

# HAYWARD POLICE DEPARTMENT

## CASE REPORT

300 West Winton Avenue  
Hayward, CA 94544

CASE# **2014-00038880**

<b>EVENT</b>	REPORTED DATE/TIME <b>05/23/2014 22:41</b>	OCCURRED INCIDENT TYPE <b>Death Investigation</b>	CASE DISPOSITION
	OCCURRED FROM DATE/TIME <b>05/23/2014 22:41</b>	OCCURRED THRU DATE/TIME <b>05/23/2014 22:41</b>	LOCATION OF OCCURRENCE <b>Harder Rd CA</b>

<b>OFFENSES</b>	STATUTE/DESCRIPTION	COUNTS	ATTEMPT/COMMIT

<b>SUBJECT</b>	SUBJECT TYPE <b>Other</b>		NAME (LAST, FIRST, MIDDLE SUFFIX) <b>Greer, James, Nathan</b>				<input type="checkbox"/> NON-DISCLOSURE	
	DOB <b>1/6/1968 46</b>		ADDRESS (STREET, CITY, STATE, ZIP)					
	SEX <b>Male</b>	RACE <b>Hispanic</b>		EYE <b>Brown</b>	HAIR <b>Black</b>	HEIGHT or RANGE	WEIGHT or RANGE	
	DL NUMBER/STATE		PFN	PRIMARY PHONE		PHONE #2		

<b>SUBJECT</b>	SUBJECT TYPE <b>Witness</b>		NAME (LAST, FIRST, MIDDLE SUFFIX)				<input type="checkbox"/> NON-DISCLOSURE	
	DOB		ADDRESS (STREET, CITY, STATE, ZIP)					
	SEX	RACE		EYE	HAIR	HEIGHT or RANGE	WEIGHT or RANGE	
	DL NUMBER/STATE		PFN	PRIMARY PHONE		PHONE #2		

<b>SUBJECT</b>	SUBJECT TYPE <b>Witness</b>		NAME (LAST, FIRST, MIDDLE SUFFIX)				<input type="checkbox"/> NON-DISCLOSURE	
	DOB		ADDRESS (STREET, CITY, STATE, ZIP)					
	SEX	RACE		EYE	HAIR	HEIGHT or RANGE	WEIGHT or RANGE	
	DL NUMBER/STATE		PFN	PRIMARY PHONE		PHONE #2		

<b>SUBJECT</b>	SUBJECT TYPE <b>Other</b>		NAME (LAST, FIRST, MIDDLE SUFFIX)				<input type="checkbox"/> NON-DISCLOSURE	
	DOB		ADDRESS (STREET, CITY, STATE, ZIP)					
	SEX	RACE		EYE	HAIR	HEIGHT or RANGE	WEIGHT or RANGE	
	DL NUMBER/STATE		PFN	PRIMARY PHONE		PHONE #2		

REPORTING OFFICER <b>Lampkin</b>	222	DATE <b>05/23/2014</b>	REVIEWED BY <b>mark.ormsby Ormsby, Mark W 8/21/2014 10:41</b>
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## NARRATIVE

SEE ATTACHMENT

REPORTING OFFICER

Lampkin

DATE

05/23/2014

REVIEWED BY

mark.ormsby|Ormsby, Mark W|8/21/2014|10:41

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### ADDITIONAL SUBJECTS

<b>SUBJECT</b>	SUBJECT TYPE <b>Other</b>		NAME (LAST, FIRST, MIDDLE SUFFIX) [REDACTED]				<input type="checkbox"/> NON-DISCLOSURE	
	DOB [REDACTED] [REDACTED]		ADDRESS (STREET, CITY, STATE, ZIP) [REDACTED] [REDACTED]					
	SEX [REDACTED]		RACE [REDACTED]		EYE [REDACTED]	HAIR [REDACTED]	HEIGHT or RANGE [REDACTED]	WEIGHT or RANGE [REDACTED]
	DL NUMBER/STATE [REDACTED]		PFN [REDACTED]		PRIMARY PHONE [REDACTED]		PHONE #2 [REDACTED]	

<b>SUBJECT</b>	SUBJECT TYPE <b>Other</b>		NAME (LAST, FIRST, MIDDLE SUFFIX) [REDACTED]				<input type="checkbox"/> NON-DISCLOSURE	
	DOB [REDACTED] [REDACTED]		ADDRESS (STREET, CITY, STATE, ZIP) [REDACTED] [REDACTED]					
	SEX [REDACTED]		RACE [REDACTED]		EYE [REDACTED]	HAIR [REDACTED]	HEIGHT or RANGE [REDACTED]	WEIGHT or RANGE [REDACTED]
	DL NUMBER/STATE [REDACTED]		PFN [REDACTED]		PRIMARY PHONE [REDACTED]		PHONE #2 [REDACTED]	

<b>SUBJECT</b>	SUBJECT TYPE <b>Witness</b>		NAME (LAST, FIRST, MIDDLE SUFFIX) [REDACTED]				<input type="checkbox"/> NON-DISCLOSURE	
	DOB [REDACTED] [REDACTED]		ADDRESS (STREET, CITY, STATE, ZIP) [REDACTED] [REDACTED]					
	SEX [REDACTED]		RACE [REDACTED]		EYE [REDACTED]	HAIR [REDACTED]	HEIGHT or RANGE [REDACTED]	WEIGHT or RANGE [REDACTED]
	DL NUMBER/STATE [REDACTED]		PFN [REDACTED]		PRIMARY PHONE [REDACTED]		PHONE #2 [REDACTED]	

<b>SUBJECT</b>	SUBJECT TYPE <b>Witness</b>		NAME (LAST, FIRST, MIDDLE SUFFIX) <b>Lutzing, Jeff,</b>				<input type="checkbox"/> NON-DISCLOSURE	
	DOB [REDACTED] [REDACTED]		ADDRESS (STREET, CITY, STATE, ZIP) [REDACTED] [REDACTED]					
	SEX [REDACTED]		RACE <b>White-European</b>		EYE [REDACTED]	HAIR [REDACTED]	HEIGHT or RANGE [REDACTED]	WEIGHT or RANGE [REDACTED]
	DL NUMBER/STATE [REDACTED]		PFN [REDACTED]		PRIMARY PHONE [REDACTED]		PHONE #2 [REDACTED]	

<b>SUBJECT</b>	SUBJECT TYPE <b>Witness</b>		NAME (LAST, FIRST, MIDDLE SUFFIX) <b>Covarrubias, Daniel,</b>				<input type="checkbox"/> NON-DISCLOSURE	
	DOB [REDACTED] [REDACTED]		ADDRESS (STREET, CITY, STATE, ZIP) [REDACTED] [REDACTED]					
	SEX [REDACTED]		RACE <b>Hispanic</b>		EYE [REDACTED]	HAIR [REDACTED]	HEIGHT or RANGE [REDACTED]	WEIGHT or RANGE [REDACTED]
	DL NUMBER/STATE [REDACTED]		PFN [REDACTED]		PRIMARY PHONE [REDACTED]		PHONE #2 [REDACTED]	

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SUBJECT	SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX)				<input type="checkbox"/> NON-DISCLOSURE				
	Witness		Clark, Michael,								
	DOB		AGE or AGE RANGE		ADDRESS (STREET, CITY, STATE, ZIP)						
	SEX		RACE		EYE		HAIR		HEIGHT or RANGE		WEIGHT or RANGE
		White-European									
DL NUMBER/STATE				PFN		PRIMARY PHONE		PHONE #2			

SUBJECT	SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX)				<input type="checkbox"/> NON-DISCLOSURE				
	Witness		Tong, Brandon,								
	DOB		AGE or AGE RANGE		ADDRESS (STREET, CITY, STATE, ZIP)						
	SEX		RACE		EYE		HAIR		HEIGHT or RANGE		WEIGHT or RANGE
		Asian-Pacific Islander									
DL NUMBER/STATE				PFN		PRIMARY PHONE		PHONE #2			

SUBJECT	SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX)				<input type="checkbox"/> NON-DISCLOSURE				
	Witness		Lewandowski, Brian,								
	DOB		AGE or AGE RANGE		ADDRESS (STREET, CITY, STATE, ZIP)						
	SEX		RACE		EYE		HAIR		HEIGHT or RANGE		WEIGHT or RANGE
		White-European									
DL NUMBER/STATE				PFN		PRIMARY PHONE		PHONE #2			

SUBJECT	SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX)				<input type="checkbox"/> NON-DISCLOSURE				
	Witness		Cosgriff, Julian,								
	DOB		AGE or AGE RANGE		ADDRESS (STREET, CITY, STATE, ZIP)						
	SEX		RACE		EYE		HAIR		HEIGHT or RANGE		WEIGHT or RANGE
		Black									
DL NUMBER/STATE				PFN		PRIMARY PHONE		PHONE #2			

SUBJECT	SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX)				<input type="checkbox"/> NON-DISCLOSURE				
	Witness		McAdams, Norman,								
	DOB		AGE or AGE RANGE		ADDRESS (STREET, CITY, STATE, ZIP)						
	SEX		RACE		EYE		HAIR		HEIGHT or RANGE		WEIGHT or RANGE
		White-European									
DL NUMBER/STATE				PFN		PRIMARY PHONE		PHONE #2			

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SUBJECT	SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX)				<input type="checkbox"/> NON-DISCLOSURE	
	Witness		Yarbrough, Benjamin,					
	DOB		AGE or AGE RANGE		ADDRESS (STREET, CITY, STATE, ZIP)			
	SEX		RACE		EYE		HAIR	
			White-European					
	DL NUMBER/STATE		PFN		PRIMARY PHONE		PHONE #2	

SUBJECT	SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX)				<input type="checkbox"/> NON-DISCLOSURE	
	Witness		Spillner, Sean,					
	DOB		AGE or AGE RANGE		ADDRESS (STREET, CITY, STATE, ZIP)			
	SEX		RACE		EYE		HAIR	
			White-European					
	DL NUMBER/STATE		PFN		PRIMARY PHONE		PHONE #2	

SUBJECT	SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX)				<input type="checkbox"/> NON-DISCLOSURE	
	Witness		Tran, Rick,					
	DOB		AGE or AGE RANGE		ADDRESS (STREET, CITY, STATE, ZIP)			
	SEX		RACE		EYE		HAIR	
			Asian-Pacific Islander					
	DL NUMBER/STATE		PFN		PRIMARY PHONE		PHONE #2	

SUBJECT	SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX)				<input type="checkbox"/> NON-DISCLOSURE	
	Witness		Waters, David,					
	DOB		AGE or AGE RANGE		ADDRESS (STREET, CITY, STATE, ZIP)			
	SEX		RACE		EYE		HAIR	
			White-European					
	DL NUMBER/STATE		PFN		PRIMARY PHONE		PHONE #2	

SUBJECT	SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX)				<input type="checkbox"/> NON-DISCLOSURE	
	Witness		DeLira, Guillermo,					
	DOB		AGE or AGE RANGE		ADDRESS (STREET, CITY, STATE, ZIP)			
	SEX		RACE		EYE		HAIR	
			Hispanic					
	DL NUMBER/STATE		PFN		PRIMARY PHONE		PHONE #2	

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	DOB AGE or AGE RANGE		ADDRESS (STREET, CITY, STATE, ZIP) [REDACTED]					
	SEX [REDACTED]	RACE [REDACTED]		EYE	HAIR	HEIGHT or RANGE	WEIGHT or RANGE	
	DL NUMBER/STATE		FFN	PRIMARY PHONE [REDACTED]		PHONE #2		

<b>SUBJECT</b>	SUBJECT TYPE <b>Other</b>		NAME (LAST, FIRST, MIDDLE SUFFIX) [REDACTED]				<input type="checkbox"/> NON-DISCLOSURE	
	DOB AGE or AGE RANGE		ADDRESS (STREET, CITY, STATE, ZIP) [REDACTED]					
	SEX [REDACTED]	RACE [REDACTED]		EYE	HAIR	HEIGHT or RANGE	WEIGHT or RANGE	
	DL NUMBER/STATE		FFN	PRIMARY PHONE		PHONE #2		

<b>SUBJECT</b>	SUBJECT TYPE <b>Other</b>		NAME (LAST, FIRST, MIDDLE SUFFIX) [REDACTED]				<input type="checkbox"/> NON-DISCLOSURE	
	DOB AGE or AGE RANGE		ADDRESS (STREET, CITY, STATE, ZIP) [REDACTED]					
	SEX [REDACTED]	RACE [REDACTED]		EYE	HAIR	HEIGHT or RANGE	WEIGHT or RANGE	
	DL NUMBER/STATE		FFN	PRIMARY PHONE [REDACTED]		PHONE #2		

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	DOB AGE or AGE RANGE		ADDRESS (STREET, CITY, STATE, ZIP) [REDACTED]					
	SEX [REDACTED]	RACE [REDACTED]		EYE	HAIR	HEIGHT or RANGE	WEIGHT or RANGE	
	DL NUMBER/STATE		FFN	PRIMARY PHONE [REDACTED]		PHONE #2		

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	DOB AGE or AGE RANGE		ADDRESS (STREET, CITY, STATE, ZIP) [REDACTED]					
	SEX [REDACTED]	RACE [REDACTED]		EYE	HAIR	HEIGHT or RANGE	WEIGHT or RANGE	
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	Other		[REDACTED]					
	DOB AGE or AGE RANGE		ADDRESS (STREET, CITY, STATE, ZIP)					
	SEX		RACE		EYE	HAIR	HEIGHT or RANGE	WEIGHT or RANGE
	DL NUMBER/STATE		PFN		PRIMARY PHONE		PHONE #2	

SUBJECT	SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX)				<input type="checkbox"/> NON-DISCLOSURE	
	Other		[REDACTED]					
	DOB AGE or AGE RANGE		ADDRESS (STREET, CITY, STATE, ZIP)					
	SEX		RACE		EYE	HAIR	HEIGHT or RANGE	WEIGHT or RANGE
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	SEX		RACE		EYE	HAIR	HEIGHT or RANGE	WEIGHT or RANGE
	DL NUMBER/STATE		PFN		PRIMARY PHONE		PHONE #2	

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	SEX		RACE		EYE	HAIR	HEIGHT or RANGE	WEIGHT or RANGE
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1 SUMMARY

2 At 2241 hours on 23 May 2014, decedent James Nathan Greer, date of birth 6 January 1968,  
3 was observed driving erratically on Mission Boulevard near Harder Road. Hayward Police  
4 Department Lieutenant J. Lutzinger suspected that Greer was driving under the influence of  
5 alcohol or another intoxicant and initiated a traffic stop. Greer subsequently got out of his  
6 vehicle but would not participate in a Field Sobriety Test. Greer appeared agitated and  
7 confused during his contact with police.

8 Attempts were made to place Greer in handcuffs after additional police officers arrived to assist  
9 Lieutenant Lutzinger. Greer immediately began resisting and repeatedly yelled, "What are you  
10 doing?" The struggle progressed and Greer and the officers fell to ground. Once on the ground,  
11 the initial responding officers were unable to place Greer on handcuffs due to his continued  
12 resistance, strength and size. Additional officers arrived and attempted to handcuff Greer but  
13 were unable to do so.

14 Lutzinger deployed his department issued Conducted Electrical Weapon in an attempt to  
15 overcome Greer's resistance; the deployment of this weapon had no visible effect on Greer. A  
16 follow-up discharge of Lieutenant Lutzinger's Conducted Electrical weapon also did not have a  
17 noticeable effect on Greer.

18 Hayward Police Officer Brian Lewandowski deployed his department assigned Conducted  
19 Electrical Weapon in the "Drive" mode. The application of the weapon on Greer did not reduce  
20 his level of resistance. The Officers struggled continuously with Greer for several minutes and



21 were finally able to handcuff him. Even after he was handcuffed, Greer continued to kick at  
22 Officers; failed to follow instructions and yelled at officers.

23 The WRAP full body restraint device was used on Greer. Greer continued to resist while the leg  
24 restraint portion of the apparatus was being applied on him. After the upper portion of the  
25 restraint was applied, involved Officers observed no recognizable state of consciousness  
26 present in Greer. Emergency medical personnel immediately intervened and transported Greer  
27 to Saint Rose Hospital where resuscitation efforts continued. Greer did not regain  
28 consciousness and was subsequently pronounced dead at 2349 hours on 23 May 2014.

29 On 27 May 2014, an autopsy was performed on Greer. Forensic Pathologist [REDACTED]  
30 stated that he observed evidence of heart disease present in Greer; and provided the opinion  
31 that any type of physical exertion by Greer would have the potential to cause his heart to fail.  
32 [REDACTED] noted no injuries on Greer indicating that anything other than reasonable force was  
33 used when the Officers struggled with Greer.

34 Toxicology reports indicate that toxic levels of Phencyclidine were present in Greer's system. [REDACTED]  
35 [REDACTED] determined that Greer died due to Acute Phencyclidine Intoxication associated with  
36 physical exertion.

37 The interaction between Greer and HPD Officers was digitally captured by a body camera that  
38 was being worn by a Bay Area Rapid Transit (BART) Police Officer during the incident. The digital  
39 recording supports statements provided by Officers and civilian witnesses that only the amount  
40 of force needed to overcome Greer's resistance was used during the altercation between Greer  
41 and the Police Officers.

42 NARRATIVE:

43 At 2330 hours on 23 May 2014, I received a phone call from Criminal Investigation Bureau  
44 Sergeant Eric Melendez who asked if I could respond to the police department regarding an "In  
45 custody death." I responded to the police department with Hayward Police Inspector Mike  
46 Woods. Upon arrival, I was provided with a summary of the incident by Sergeant Ken Forkus.

47 Forkus explained that Hayward Police Lieutenant Jeff Lutzinger had initiated a traffic stop on a  
48 subject later identified as decedent James Nathan Greer; who he suspected of driving under the  
49 influence. Greer became resistant during the administering of the Field Sobriety Test (FST).

50 Several Hayward Police Officers as well as one Police Officer from BART responded to assist  
51 Lutzinger. Lutzinger deployed his Conducted Electrical Weapon (CEW) in an attempt to  
52 overcome Greer's resistance to no avail. A second officer, Brian Lewandowski applied his CEW  
53 on Greer in the "Drive" mode. This appeared to have little or no effect on Greer.

54 Forkus explained that the Officers were finally able to subdue Greer to the point where they  
55 were able to handcuff him and put him in the WRAP full body restraint system. After being  
56 subdued with the use of the WRAP, Greer lost consciousness. Emergency Medical personnel  
57 were already on scene and immediately initiated life saving measures and attempted to revive  
58 Greer. Greer was transported to Saint Rose hospital. Greer never regained a recognizable state  
59 of consciousness and was subsequently pronounced dead.

60 Forkus provided me with the names of the Officers who were involved in the encounter with  
61 Greer; Lieutenant Jeff Lutzinger, Hayward Police Officers Michael Clark, Brandon Tong, Brian  
62 Lewandowski, Julian Cosgriff, Norman McAdams, Benjamin Yarbrough, Sean Spillner, Rick Tran,

63 David Waters, Guillermo DeLira, HPD Reserve Officer Daniel Covarrubias and BART Police  
64 Officer Jon Tougas. Forkus advised me that each of the Officers were provided transportation to  
65 the police department where they were separated, photographed and afforded the opportunity  
66 to consult with a representative from the Hayward Police Officer's association and an attorney.  
67 Voluntary interviews were scheduled with the Hayward Police Officers for 26<sup>th</sup> and 27<sup>th</sup> of May.  
68 BART Officer Tougas elected to be interviewed later in the morning (See below for a synopsis of  
69 that interview).

70 Forkus told me that two civilian witnesses had voluntarily come to the police department in  
71 order to participate in interviews. Forkus advised that a possible third witness was observed in  
72 the area when the interaction between Greer and the involved Officers took place. The identity  
73 of this witness is unknown because the subject left the scene before police were able to  
74 identify him.

75 At the completion of the briefing, I reviewed the Detail Call for Service Report and radio  
76 communications between the involved officers and the HPD Communications Center. Based on  
77 this information, it appears that the following occurred in sequence:

78 22:41:48, Lieutenant Lutzinger initiates a traffic stop at Mission and Harder Road. Lutzinger  
79 asked for a back-up officer and explains "He's all over the road." About forty seconds later,  
80 Lutzinger announces "He started to drive again after I got out of my car." Lutzinger then  
81 advised his location to be the K-Mart parking lot (Harder/Mission).

82 22:46:28, Clark and Reserve Officer Covarubbias arrive on scene. Bart Police Officer Jon Tougas  
83 was with Lutzinger when Clark arrived

84 22:46:37, Officer Lewandowski arrives.

85 22:52:17, Officer Tran arrives on scene.

86 22:52:59, Officer McAdams arrives on scene.

87 22:53:01, "10-3" (Restricted radio traffic) is initiated.

88 22:54:26, announcement is made that a Taser (CEW) is deployed. Lutzinger announces that  
89 they are trying to get a "Real Big" subject under control.

90 22:54:48, Officer Spillner arrives on scene. Spillner advises that sufficient units are on scene and  
91 to "Slow everybody else down."

92 22:56:10, announcement made that the suspect was handcuffed and that the officers were  
93 intending to apply the WRAP. HPD dispatcher announces that medical personnel are staging.

94 22:57:56, Sergeant Farro arrives on scene,

95 22:58:55, Request is made for emergency medical personnel.

96 (It should be noted that the Detail Call for Service report does not show Officers De Lira or  
97 Cosgriff on scene until after the struggle has concluded. This is likely an inaccurate depiction of  
98 when they arrived based on the interviews of these Officers. This is common during high stress  
99 incidents).

100 I conducted a history check of Greer, using Department of Justice data and Alameda County  
101 records. I noted that Greer's height/weight statistics indicated that he was disproportionately  
102 large (DOJ records indicated 5'11", 350 lbs.; Alameda County records indicate Greer to be 5'10,"

103 250 lbs). [REDACTED]

104 [REDACTED]

105 WITNESS INTERVIEWS:

106 Interviews of the civilian witnesses are only summarized below. The interviews were digitally  
107 recorded.

108 At 0300 hours, Inspector Mike Woods and I interviewed civilian witness [REDACTED] in HPD  
109 room number 222. The following is a summary of [REDACTED] interview:

110 [REDACTED] is a [REDACTED]. Prior to the incident, [REDACTED] was on  
111 a scheduled Ride-Along with Hayward Police Officer Michael Clark. Clark is one of several  
112 members of the Hayward Police department who attend [REDACTED] church in Livermore.

113 [REDACTED] said that he and Clark were talking to another police officer when Clark and the  
114 Officer responded to a call in the K-Mart parking lot involving Lieutenant Lutzinger; who he also  
115 knows from church. [REDACTED] said that another Officer, possibly the BART Officer was already  
116 on scene when they arrived.

117 Shortly after arriving, [REDACTED] said that he saw a subject step out of a truck. [REDACTED]  
118 described the subject as a big, tall Hispanic male with a shaved head. [REDACTED] said that the  
119 subject appeared to be calm and compliant and not "Falling down drunk.

120 [REDACTED] said that he was about thirty yards away from where the subject was interacting with  
121 the Police Officers and could not hear the conversation. [REDACTED] said that at some point, the  
122 Officers attempted to place handcuffs on the subject and the subject moved away from them

123 and began resisting. [REDACTED] said that the subject was not fighting, but said that the subject  
124 would not allow the Police Officers to place handcuffs on him. [REDACTED] said that at no time  
125 during the encounter did he see any of the Officers attempt to strike the subject, or do anything  
126 other than grab the subject and try to place handcuffs on him. [REDACTED] said that the subject  
127 resisted and prevented the Officers from handcuffing him.

128 [REDACTED] said that at this point, the Officers were struggling with the subject and said that  
129 they, along with the subject all fell to the ground. At some point, [REDACTED] could see the  
130 subject grab onto a trailer hitch that was attached to the subject's truck. [REDACTED] could hear  
131 someone calmly saying "Sir, you need to stop resisting." [REDACTED] said that the subject kept  
132 repeating, "What are you doing?" [REDACTED] said that at this point, he could tell that the subject  
133 was not one hundred percent coherent, "Like he wasn't all there."

134 [REDACTED] noticed that as the struggle progressed, other Officers began to arrive. [REDACTED] said  
135 that he could not describe the order of arrival or particular actions of each; but stated that  
136 there were four to five Officers around the subject. [REDACTED] said that he clearly heard one of  
137 the Officers say "Stop or we're going to have to tase you." [REDACTED] said that he heard this  
138 warning "A couple of times." [REDACTED] described hearing the CEW deploy. [REDACTED] said that  
139 this did not seem to have any effect on the subject's level of resistance.

140 [REDACTED] said that at no time did he see any weapons deployed or used on the subject with  
141 the exception of hearing what he believed was the CEW being deployed. [REDACTED] did note  
142 that Officer Cosgriff, who he knew from church, arrived after the initial struggle. [REDACTED]

143 described Cosgriff getting the WRAP from one of the patrol vehicles then assisting the other  
144 officers.

145 ██████ said that it appeared that the struggle was over after the Officers got the WRAP on  
146 the subject. ██████ said that it appeared to him that medical personnel showed up seconds  
147 after the restraint was applied. I asked ██████ if he could estimate how long and he stated  
148 that he could not without any certainty.

149 Concurrent with my interview with ██████ the other known civilian witness ██████ was  
150 interviewed by Detective Riley. This interview was conducted primarily in Spanish. The  
151 interview is summarized below:

152 ██████ was on his bicycle near the K-mart parking lot when he saw a patrol vehicle pull over a  
153 silver truck ██████ described the Officer interacting with the subject in the vehicle (presumably  
154 Greer). Moments later, a BART Police Officer arrived, followed by two Hayward Police Officers.

155 ██████ said that the Officers then directed the subject out of the truck. ██████ said that the Officers  
156 escorted the subject to the passenger side of his truck and began testing him. ██████ was under  
157 the opinion that the subject was drunk because he lost his balance when he put his feet  
158 together.

159 ██████ said that the Officers grabbed the subject by his wrists. The subject began pulling his  
160 hands away from the Officers' grasp and began screaming, "No! Don't touch me, don't touch  
161 me! What are you doing, what are you doing!" ██████ said that the subject fell down as he began  
162 to back away from the Officers. ██████ surmised that the subject fell because the ground was  
163 uneven.

164 ■■■ said that the subject began to move around attempting to get out of the Officer's grasp.  
165 ■■■ could hear the Officers instructing the subject to put his arms behind him. ■■■ heard the  
166 subject repeatedly yelling, "What are you doing? What are you doing?" ■■■ said that the  
167 subject yelled over the Officer's commands. ■■■ believed that the subject was yelling in order  
168 to get attention from other people.

169 ■■■ described watching an Officer retrieve the WRAP. ■■■ said that the Officers were trying  
170 to apply the WRAP to the subject's feet; but the subject continued to resist the efforts of the  
171 Officers. ■■■ believed that the Officers had gained control of the subject at this point, because  
172 he stopped moving his feet. ■■■ said that short time later, the Firemen and Paramedics  
173 arrived. ■■■ volunteered his opinion that the Police Officers were doing their job because the  
174 subject; who he described as much larger than the officers, was resisting.

#### 175 POLICE OFFICER INTERVIEWS:

176 All of the Officer interviews are summarized below. Each interview was digitally captured on  
177 Compact disc.

178 24 May 2014, 0544 hours BART Officer John Tougas elected to provide a statement regarding  
179 his involvement in the attempt to restrain Greer. BART provided Officer Tougas with an  
180 attorney (Steven Welty) who was present during the interview. BART Police Sergeant John  
181 Sandoval and Detective Guillermo Alcaraz were present during the interview. The interview is  
182 summarized below."



183     Tougas explained that he has been a Police Officer for five years. Tougas said that he is  
184     currently assigned the Patrol Division; working to the Fremont/Union City sector.

185     Tougas said that he was driving northbound on Mission Boulevard when he noticed that there  
186     was a Hayward Police patrol unit in the parking lot of KMART on a traffic stop. Tougas said that  
187     he saw that the Officer (who he later learned was Lieutenant Lutzinger) was alone. Tougas said  
188     that he pulled into the parking lot to assist Lutzinger; who told him that the driver had "Taken-  
189     off" on him two times.

190     Tougas explained that he and Lutzinger waited for the arrival of Hayward Police units before  
191     anyone approached the driver, later determined to be Greer. Tougas said that before Lutzinger  
192     and the other Hayward units approached Greer, he turned on his assigned body camera so that  
193     the interaction with Greer would be digitally captured.

194     Tougas described Lutzinger attempting to administer a FST to Greer. Greer would not comply  
195     when he was asked to perform the balance test and began saying something to the effect of,  
196     "What are you doing to me?"

197     Tougas said that Greer began to walk away and the Officers attempted to grab him. Tougas  
198     described Greer as being very strong. Tougas said that he and the HPD Officers attempted to  
199     handcuff Greer, who began to resist. Tougas said that they all fell to the ground and said that  
200     Greer ended up on top of him. Once on the ground, Greer continued to struggle with he and  
201     the other Officers, yelling, "You don't know what you are doing, stop fucking with me."

202     Tougas heard someone warn Greer that he would get tased if he continued to resist. Moments  
203     later, Tougas heard the sound of a CEW being deployed which had no effect on Greer. Tougas  
204     heard a second deployment of the CEW. Shortly afterwards, Tougas said that he was able to  
205     gain control of one of Greer's arm after other Officers arrived. Tougas said that the WRAP  
206     restraint device was applied to Greer. Tougas believed that the restraint had only been  
207     wrapped around Greer's ankles before he was rolled over. Tougas said that it was at this point  
208     that he noticed that Greer appeared to be unconscious. Tougas said that it was one or two  
209     minutes before medical personnel were on scene and treating Greer.

210     Tougas believed that the struggle lasted for about five minutes and described Greer as having  
211     "Super-strength." During this time, Tougas did not see any of the Officers utilize any weapon.  
212     Tougas said that he had reviewed the video footage from his body camera that captured the  
213     altercation with Greer. Tougas said that the footage accurately depicts the incident

214     26 May 2014, 1300 hours, Inspector Woods and I interviewed HPD Reserve Officer Daniel  
215     Covarrubias regarding the incident. Covarrubias was accompanied by Attorney Justin  
216     Buffington; an attorney appointed to him by the HPD Police Officer's Association (HPOA). The  
217     interview took place in the HPD Reserve trailer. Covarrubias was advised that he was not  
218     required to provide a statement, and was advised that he could terminate the interview at any  
219     time. Covarrubias agreed to provide a statement.

220     Covarrubias has been a Reserve Officer with HPD since January 2010. HPD is the only Law  
221     Enforcement agency that Covarrubias has been employed with. Covarrubias said that on 23  
222     May 2014, he was riding with HPD Officer Norman McAdams on Mission Boulevard when he

223 heard a radio transmission. Covarrubias said that he detected that there was some type of  
224 struggle and described hearing "Panic" over the airway.

225 Covarrubias said that he and McAdams responded to the Kmart parking lot where he saw four  
226 to six officers struggling with a large male; later identified as James Greer. Covarrubias said that  
227 Greer was already on the ground; rolling around and still struggling. Covarrubias said that it did  
228 not appear as if the officers were having any success in controlling Greer.

229 Covarrubias joined the struggle and grabbed Greer's right leg. Covarrubias said that Greer was  
230 struggling and kicking, and stated that he was trying to get control of Greer's leg to keep him  
231 from kicking anyone or standing up. Covarrubias said that although he was holding Greer's left  
232 leg with his body weight, Greer was able to move his leg around.

233 Covarrubias could hear random people instructing Greer to stop resisting. Covarrubias heard an  
234 Officer warn Greer that he would be tased if he did not stop resisting. Moments later,  
235 Covarrubias heard what he believed was a CEW being deployed. Covarrubias said that he could  
236 see someone holding a CEW, but could not see who it was because his view of the person was  
237 obstructed by other Officers. Covarrubias would later see two probes in Greer's back.

238 Covarrubias said that the CEW did not appear to affect Greer.

239 Covarrubias said that shortly afterwards, he heard someone ask for the WRAP restraint device.

240 Covarrubias noted that Officer McAdams was trying to control Greer's left leg. Covarrubias said  
241 that he and McAdams both assisted with putting the velcro part of the WRAP around Greer's  
242 ankles. Greer was still resisting at this point.

243 Covarrubias said that once Greer's ankles were secured by the WRAP, he backed away and did a  
244 self-assessment of himself; so his attention was briefly diverted from Greer. Covarrubias said  
245 that he saw other Officers get Greer to a sitting position and he noticed that Greer did not seem  
246 to be responsive at the time. Covarrubias said that someone summoned medical personnel.  
247 Covarrubias said that he saw that medical personnel were already in the parking lot. He  
248 believes that they might have already been staged. Covarrubias said that medical personnel  
249 began treating Greer.

250 Covarrubias said that he was photographed contemporaneous to the incident, and stated that  
251 the photograph would accurately display what uniform he was wearing, and what equipment  
252 he had during the incident. Covarrubias said that he did have a CEW with him, but stated that  
253 he did not deploy it during the altercation with Greer.

254 At 1340 hours, Woods and I interviewed Lieutenant Lutzinger in the HPD Reserve Officer trailer.  
255 Lutzinger was accompanied by Sarah Burdick, his HPOA appointed attorney. The interview is  
256 summarized below:

257 Lutzinger was advised that he could conclude the interview at any time, and was advised that  
258 he was not obligated to answer any questions. Lutzinger agreed to provide a voluntary  
259 statement.

260 Lutzinger was hired by the Hayward Police Department in May of 1990. He has served in a  
261 number of assignments. He currently serves as a patrol Watch Commander.

262 Lutzinger said that he was driving southbound on Mission Boulevard near Carlos Bee Boulevard  
263 when he saw Greer in the left turn pocket facing a red light. The light turned green, and Greer  
264 started to make the required left turn, then suddenly changed his direction. Greer turned right  
265 and began to travel southbound on Mission Boulevard through the intersection against a red-  
266 light. Lutzinger noted that there was a vehicle properly turning westbound from the  
267 northbound Mission Boulevard. This vehicle had the right-of-way; but had to stop suddenly and  
268 yield to Greer, who had illegally entered the intersection.

269 Lutzinger said that he followed the Greer, intending to initiate a traffic stop. Lutzinger noticed  
270 that Greer got into the left turn pocket at Torano Avenue, but again failed to make the required  
271 turn. Greer continued southbound on Mission Boulevard. Lutzinger said that he pulled behind  
272 Greer. Lutzinger said that before he turned on the overhead lights of his patrol vehicle, Greer  
273 stopped in the number one southbound lane. Lutzinger said that at this point he believed that  
274 Greer was possibly under the influence of something.

275 Lutzinger said that he then turned on his overhead lights and got out of his vehicle. Lutzinger  
276 said that Greer dove away as soon as he got out of his patrol vehicle. Lutzinger continued to  
277 follow Greer through the intersection of Mission and Harder. Greer then turned into the Kmart  
278 parking lot before coming to a stop.

279 Lutzinger said that he got out of his vehicle and directed Greer to turn off his vehicle and drop  
280 the keys out of the window. Greer responded that he did not want to break the key. Lutzinger  
281 told Greer to drop his keys or place them on the roof of his vehicle. Greer verbally protested

282 and asked, 'Why? What's going on? What do you want? Why are you bothering me?' Lutzinger  
283 said that Greer did not have an angry tone; but was protesting.

284 Lutzinger said that he approached Greer while Greer was still inside of his vehicle. Lutzinger  
285 explained the purpose of the traffic stop. Lutzinger described Greer exhibiting behavior  
286 indicating that he was confused when he questioned Greer about his address and other simple  
287 questions. Lutzinger also described Greer fumbling through different papers inside of his  
288 wallet. Lutzinger could also see two bottles inside of the vehicle that were consistent with  
289 containers for alcoholic beverages.

290 Lutzinger said that a BART Police Officer (Tougas) arrived. Lutzinger said that Tougas stood by  
291 while he waited for the arrival of the first HPD Officer. Lutzinger said that about one minute  
292 later, HPD Officers Clark and Lewandowski arrived so he directed Greer to step out of his  
293 vehicle and began to administer the FST. Lutzinger administered the nystagmus test and noted  
294 that Greer was unable to track the movement of his finger. When Lutzinger began to administer  
295 the balance test, Greer began to act paranoid. Lutzinger repeatedly questioned Lutzinger.  
296 Lutzinger described Greer as being passive aggressive.

297 At some point, Greer began walking away from Lutzinger and towards the truck. Lutzinger said  
298 that he grabbed Greer and told him to stay put. Lutzinger said that he told Greer to put his  
299 hands behind his back; attempting to apply a twist-lock control hold in an attempt to get  
300 compliance. Lutzinger said that while applying the twist-lock, he and the other Officers began  
301 struggling with Greer and they all ended up on the ground. Lutzinger said that he does not

302 know why they ended up on the ground and said that he did not execute any tactics that would  
303 cause Greer to fall to the ground.

304 Lutzinger described being on the ground; trying to gain control of Greer. Lutzinger said that at  
305 some point, Greer rolled on to his stomach and was able to grab a trailer hitch that was  
306 attached to the back of his truck. Lutzinger said that as he and the other Officers attempted to  
307 get control of Greer and told him to relax. Lutzinger said that Greer continued to squirm and  
308 yell at them and continued to ask, "What's going on."

309 Lutzinger said that he took his CEW from its' holster and warned Greer several times that he  
310 would deploy the CEW if he did not stop resisting. Lutzinger said that he pressed the CEW  
311 against Greer's back and said, "Mister Greer, relax, put your hands behind your back. If you  
312 don't, I'm going to tase you. Can you feel this in your back? This is a Taser. I'm going to tase  
313 you." Lutzinger said that he got no response and no cooperation from Greer.

314 Greer continued yelling so Lutzinger discharged the CEW in the "Dart mode." Lutzinger said that  
315 Greer continued to struggle and resist, so he discharged the CEW a second time. Lutzinger  
316 believes that this was effective because the Officers were able to link the handcuffs together.  
317 Lutzinger said that Greer continued to squirm around, yell and struggle.

318 Lutzinger said that other Officers began to arrive and said that he was relieved by Officer Sean  
319 Spillner. Lutzinger said that he stood back while other Officers applied the WRAP on Greer.  
320 Lutzinger then said that he heard someone comment that Greer was unconscious. Lutzinger  
321 noticed that an Officer was checking for Greer's pulse. Lutzinger said that he saw Paramedics  
322 pulling into the parking lot, so he walked up to them and provided them with a summary of

323 what happened. Lutzinger estimates that from the time that the CEW was used on Greer, to the  
324 time that paramedics began treating Greer was about two minutes.

325 Lutzinger described Greer as strong, and described one portion of the struggle reminiscent of  
326 the "Incredible Hulk "days. Lutzinger said that he never saw anyone throw blows and described  
327 the struggle as a "Tussle." It was Lutzinger's opinion that it was necessary to use the CEW  
328 because he and the other Officers had given Greer multiple opportunities to comply but Greer  
329 continued to struggle. Lutzinger surmised that Greer was under the influence of some type of  
330 chemical substance during this encounter.

331 Lutzinger said that he was photographed contemporaneous to the incident, and stated that the  
332 photograph would accurately display what uniform he was wearing and what equipment he  
333 had during the altercation with Greer. Lutzinger said that his assigned, department issued CEW  
334 was collected at the scene by Sergeant Forkus. Lutzinger said that he is up-to-date on CEW  
335 training.

336 At 1440 Inspector Woods and I interviewed Office Michael Clark in the HPD Reserve officer  
337 trailer. Clark was accompanied by his HPOA appointed attorney Jonathan Murphy. Clark was  
338 reminded that his participation in the interview was voluntary, and he was advised that he  
339 could terminate the interview at any time. Clark agreed to provide a statement.

340 Clark was hired at HPD in April 2009. Before being hired, Clark spent two years with the  
341 Stockton California police department.



342 Clark said that prior to the altercation with Greer; he was meeting with Officer Lewandowski  
343 when he heard Lieutenant Lutzinger request assistance on a vehicle stop. Clark said that  
344 Lutzinger advised that the driver was possibly drunk. Clark said that he and Lewandowski  
345 responded to the Kmart parking lot to assist Lutzinger. Clark said that he also had a civilian  
346 passenger (Witness [REDACTED] with him. Clark noted that a BART Officer was already on scene.

347 Clark said that after he and Lewandowski arrived, Lutzinger directed Greer from the vehicle.  
348 Lutzinger began to administer a Field Sobriety Test (FST) and Geer was compliant at first. Clark  
349 said that when Lutzinger asked Greer to conduct a balance test, Greer had a difficult time  
350 following instructions. Greer began to appear agitated and nervous for no apparent reason.  
351 Greer began asking "Why are you arresting me." Clark said that Lutzinger tried to explain to  
352 Greer that he was not being arrested, but Greer did not seem to comprehend what Lutzinger  
353 was saying.

354 Clark said that he saw Lutzinger grab Greer's hand to handcuff him; so he grabbed Greer as well  
355 in order to assist. Clark said that Greer began to resist at this point. Clark described Greer as  
356 being very strong; describing him as "Ox strong. Clark said that it was difficult to apply any  
357 controls on Greer because of his size and strength; and said that the officers were having a  
358 difficult time controlling him. Clark said that based on his training, Greer was under the  
359 influence of something, so he felt that it was imperative the Greer be placed in handcuffs.

360 Clark said that he noticed that the BART Officer had gotten behind Greer and stated that the  
361 officers were able to take Greer to the ground. Clark described losing control of Greer's right  
362 arm, but stated that he was able to get one cuff on Greer's left arm while in a straddling

363 position on Greer's buttocks and lower back. Clark said despite outnumbering Greer, it took  
364 several Officers just to get control of one of Greer's arm. Clark said that it was not until other  
365 Officers arrived were they able to handcuff Greer by linking several sets of handcuffs together.  
366 Clark said that during the struggle on the ground, he was becoming fatigued; but it not appear  
367 as if Greer tiring at all.

368 Clark was aware that a CEW had been deployed. Clark said that he believes that Lieutenant  
369 Lutzinger had deployed the CEW. Clark heard Lutzinger warn Greer that a CEW would be used;  
370 but he did not see Lutzinger deploy it. Clark said that the CEW did not appear to have any  
371 noticeable effect on Greer. Clark said that he remembers hearing that officer Lewandowski  
372 used his CEW in the "Stun" mode on Greer. Clark is unaware if this had an effect on Greer.  
373 Clark is not sure how the officers were finally able to handcuff Greer

374 Clark said that he asked Officer Cosgriff to retrieve the WRAP. Cosgriff returned with the WRAP  
375 and he and other Officers were able to put the leg restraints on Greer. Afterwards, Lutzinger  
376 told him to get looked at by medical personnel because he had obtained an injury during the  
377 struggle. Clark went to obtain medical assistance for his injury and was not aware that Greer  
378 became unconscious until Greer was being transported by emergency medical personnel.

379 Clark said that he was photographed contemporaneous to the incident and stated that the  
380 photograph would accurately display what uniform he was wearing, and what equipment he  
381 had during the incident. Clark said that he did have a CEW with him, but stated that he did not  
382 deploy it during the altercation with Greer.

383 Clark said that during the altercation, he did not see any other Officer deploy any impact  
384 weapons. Clark said that he did not see anyone strike Greer or attempt to apply a carotid  
385 restraint or choke on Greer. Clark believes that it was necessary to deploy the CEW because  
386 nothing else was working.

387 At 1610 hours on the same day, Inspector Woods and I interviewed Officer Brandon Tong in the  
388 HPD Reserve Trailer. Tong was accompanied by attorney Sarah Burdick; an attorney provided to  
389 him by the HPOA. Tong was advised that he did not have to participate in the interview and was  
390 advised that he could terminate the interview at any time. Tong elected to provide a statement.

391 Tong said that he was hired at HPD in May 2006. Tong has worked a variety of special  
392 assignments at HPD. Tong worked for less than one year with the Alameda County Sheriff's  
393 department before getting hired with HPD.

394 Tong said that on the day of the altercation with Greer, he was riding in a two-person patrol  
395 vehicle with Officer Sean Spillner. Tong said that the two of them responded to the Kmart  
396 parking lot after hearing a struggle over the radio. Tong said that they drove CODE 3  
397 (emergency mode; lights and siren) until arriving on scene. Tong noted that the subject later  
398 identified as Greer was on his stomach struggling with Officers. Tong believed that the Officers  
399 were trying to handcuff Greer, but were not having success.

400 Tong said that he conducted a protective sweep of Greer's truck. Afterwards, he noted that  
401 other Officers were still struggling with Greer. Tong said that he was particularly concerned  
402 with Greer's right hand, which he could not see because it was concealed under his body. Tong

403 thought that Greer might have been trying to access a weapon, so he assisted the struggling  
404 Officers.

405 Tong said that he first used his hand to apply pressure on Greer's temporomandibular joint  
406 (TMJ) in an attempt to gain compliance from Greer. This did not seem to have an effect on  
407 Greer, so Tong transitioned to his collapsible baton (ASP) and used it on Greer's TMJ in an  
408 attempt to gain compliance. The baton was in the collapsed position when Tong tired this  
409 technic. Tong is not sure if this had an effect on Greer, but he noted that shortly afterwards,  
410 one of the Officers were able to free Greer's hand from under his body.

411 Tong believes that he heard Lieutenant Lutzinger announce the deployment of the CEW, but  
412 stated that he did not see it deployed. Tong said that he did pick up a CEW that was on the  
413 ground and contemplated using it in the stun mode while the suspect was still resisting the  
414 officers. Tong disarmed the CEW when it appeared as if the other Officer's had gained control  
415 of Greer. Tong never observed Greer react as if he had been subjected to the CEW. Tong had  
416 the opinion that Greer might have been under the influence of some type of illegal substance.

417 Tong estimates that the struggle lasted for two to three minutes. Tong said that even after  
418 Officers were finally able to handcuff Greer, he continued to resist. Tong said the officers were  
419 able to secure Greer with the WRAP; but stated that he did not participate in applying the  
420 WRAP to Greer.

421 Tong said that after other Officers sat Greer up, he noticed that Greer appeared to be  
422 unconscious. Tong could see that emergency personnel were already walking over to assist

423 Greer. Tong believes that emergency medical personnel were present within "Seconds" after  
424 Greer lost consciousness.

425 Tong said that while he was present, he did not see anyone strike Greer or use any weapons on  
426 Greer. Tong said that Greer never complained of being injured and never appeared to have  
427 been injured. Tong said that he did not see any obvious fresh injuries on Greer before Greer  
428 was transported to St Rose hospital.

429 Tong said that he was photographed subsequent to the incident. Tong said the pictures would  
430 accurately reflect what he was wearing, and what equipment he had during the encounter with  
431 Greer. Tong said that he was armed with a CEW during the incident but did not deploy it that  
432 evening.

433 AT 1645 hours, Woods and I interviewed HPD Officer Lewandowski in the HPD Reserve Officer  
434 trailer. Lewandowski was accompanied by attorney Sarah Burdick, an attorney provided by the  
435 HPOA. I reminded Lewandowski that his participation in the interview was voluntary and  
436 advised him that he could terminate the interview whenever he wished. Lewandowski elected  
437 to provide a statement.

438 Officer Lewandowski said that he was hired at HPD in July 2013. Lewandowski said that he  
439 previously worked at the Los Angeles County Sheriff's department from April 2007, until the  
440 day that he was hired with HPD.

441 Lewandowski said that he was meeting with Officer Clark when he heard Clark get dispatched  
442 to assist Lieutenant Lutzinger on a traffic stop. Lewandowski said that he decided to respond as

443 well since he had nothing pressing going on. Lewandowski said that while he was responding to  
444 the call, he heard Lutzinger ask for the estimate time of arrival for the next unit. This brought  
445 concern to Lewandowski. Lewandowski said that this normally signifies that "Something is not  
446 sitting right."

447 Lewandowski said that when he arrived, he could see that the driver of the vehicle stopped by  
448 Lutzinger (Greer) was still sitting inside the vehicle. Lutzinger explained that he stopped Greer  
449 because he was driving all over the road; and explained that he was going to conduct a driving  
450 under the influence (DUI) investigation. Lutzinger told Lewandowski and Clark that based on  
451 Greer's size and erratic driving; he wanted an extra body present.

452 Lewandowski noted that Lutzinger approached the driver's side of the vehicle and directed  
453 Greer out of the truck. Lewandowski said that he could hear Greer protesting, asking, "Why are  
454 you stopping me, why do I have to do this." Lewandowski said that this prompted him to take  
455 his department issued CEW from its holster and hold it behind his back.

456 Lewandowski watched as Lutzinger explained that he was going to conduct a nystagmus test.  
457 Lewandowski said that Lutzinger had to repeat the instructions on how to perform the test two  
458 or three times to Greer. It did not appear to Lewandowski that Greer comprehended the  
459 instructions. Lewandowski said that he then observed as Lutzinger administered the test, and  
460 noted that Greer was unable to track the movement of Lutzinger's finger.

461 Lewandowski said that Lutzinger attempted to continue with the FST, but said that Greer was  
462 not cooperating. At some point, Greer began to say, "Why are you doing this, you have no right  
463 to do this to me."

464 Lewandowski said that Lieutenant Lutzinger decided to take Greer into custody. Lewandowski  
465 said that when Lutzinger and Officer Clark tried to handcuff Greer, he began fighting with them  
466 and would not let the Officers place his hands in a position in which they could handcuff him.  
467 Lewandowski said that Greer kept bringing his arms forward and kept trying to move away from  
468 the Officers. Lewandowski asked Lutzinger if he wanted him to deploy his CEW. Lutzinger told  
469 him not to, so Lewandowski put his CEW back in its holster.

470 Lewandowski said that he then tried to assist Lutzinger and Clark with getting Greer under  
471 control by grabbing Greer's left arm. Lewandowski said that the next thing he knew him, Greer  
472 and the others Officers were on the ground behind the truck. Lewandowski said that after they  
473 were on the ground, Greer ended up on his stomach and was able to get both of his arms under  
474 his body.

475 Lewandowski said that he was leaning over Greer with his knee across Greer's shoulder blades  
476 to prevent him from getting up. Lewandowski said that while he was in this position, Greer was  
477 still resisting and would not release his arms. Lewandowski withdrew his CEW and discharged it  
478 one time in the "Drive" mode while the CEW was pressed against Greer's back between his  
479 shoulder blades. Lewandowski estimates that the duration of the discharge was three to five  
480 seconds.

481 Lewandowski said that at the same time, he heard a "Pop" and saw that Lieutenant Lutzinger  
482 had also discharged his CEW. Lewandowski said that neither deployment of the CEWs seemed  
483 to be working, so he returned his CEW to its' holster. Lewandowski then took out his wooden  
484 baton and wedged it between Greer's right arm and the right side of his body and attempted to

485 use it to pry Greer's right arm from underneath his body. Lewandowski said that Greer  
486 continued to resist and pulled his arm further under his body. Lewandowski said that he was  
487 unable to gain any leverage so he discarded his baton.

488 Lewandowski explained that he attempted to use his baton because Greer was not trying to  
489 punch any of the officers, so he did not want to go too hard on Greer. Lewandowski instead  
490 chose to use softer technics, such as using his baton in an attempt to pry Greer's arm from his  
491 body. Lewandowski said that his main concern was to get a hold of Greer's hands because he  
492 was not aware if Greer was trying to access a weapon.

493 Lewandowski said that other Officers had arrived by this time and it took two or three Officers  
494 pulling on Greer's right arm to get it from under his body. Lewandowski said that he and the  
495 other Officers were able to handcuff Greer by linking sets of handcuffs together. Lewandowski  
496 said that the WRAP was applied; and he noticed that Greer's head slumped over when Greer  
497 was moved to a sitting position. Lewandowski said that he checked for a pulse, but was not sure  
498 if Greer had one or not because people were still moving Greer around. Lewandowski said that  
499 emergency medical personnel were there "Pretty quickly". Lewandowski believes that medical  
500 personnel were already on scene. Lewandowski believes that it was less than twenty seconds  
501 from that time that Greer was secured in the WRAP, from the time that he was being treated by  
502 emergency medical personnel.

503 Lewandowski commented that Greer was one of the biggest subjects that he had encountered.  
504 Lewandowski believed that based on Greer's demeanor and actions, he might have been under  
505 the influence of a stimulant. Lewandowski described Greer as being agitated, tense and rigid



506 during the entire altercation. Lewandowski said that the altercation lasted for about five  
507 minutes.

508 Lewandowski said that during the encounter with Greer, he was concentrating on one arm and  
509 did not see any Officer strike Greer; or use any weapons on Greer with the exception of the  
510 CEWs used by him and Lutzinger.

511 Lewandowski said that he was photographed contemporaneous to the incident and stated that  
512 the photograph would accurately display what uniform he was wearing, and what equipment  
513 he had during the incident. Lewandowski said that his CEW was collected by Sergeant Forkus  
514 after the encounter with Greer.

515 At 1725 hours, Woods and I interviewed Officer Julian Cosgriff. Cosgriff was accompanied by his  
516 HPOA provided Attorney Justin Buffington. Cosgriff was advised that his participation in the  
517 interview was voluntary and was advised that the interview would be terminated at his request.  
518 Cosgriff chose to participate in the interview.

519 Cosgriff has been a Police Officer with HPD since September 2011. Cosgriff worked at HPD as a  
520 Community Service Officer from 2006 until he was hired as a Police Officer. Cosgriff is currently  
521 assigned to the Patrol Division.

522 Cosgriff said that he responded to the Kmart parking lot from the police department after  
523 hearing Lieutenant Lutzinger ask for restricted radio communications during a DUI  
524 investigation. Cosgriff believed that Lutzinger and other patrol units were involved in an  
525 altercation related to the traffic stop. Cosgriff recalled someone broadcasting, "We're struggling

526 with the guy, he's really big." Cosgriff said that when he arrived, he saw several Officers  
527 struggling with a subject, later identified as Greer. Cosgriff said that Greer was already  
528 handcuffed when he arrived, but noted that he was still yelling. Cosgriff believes that he was  
529 one of the last Officers to arrive on scene.

530 Cosgriff said that he asked Lutzinger how he could assist. Lutzinger instructed him to get the  
531 WRAP. Cosgriff said that he retrieved the WRAP and started applying the leg straps to Greer's  
532 ankle. Cosgriff said that as he was applying the leg portion, Greer continually yelled, "Get the  
533 fuck off of me, let me go."

534 Cosgriff said that he and the other officer were able to roll Greer into a sitting position. As the  
535 upper portion of the WRAP was being applied, someone noted the Greer was not breathing.

536 Cosgriff said that he began to administer a sternum rub on Greer but got no response.

537 Someone then summoned medical personnel, who began treating Greer. Greer was placed  
538 onto a gurney and the WRAP was taken off of Greer so that emergency medical personnel  
539 could administer first aid. Cosgriff believes that emergency medical personnel were already  
540 present when Greer was placed into a sitting position.

541 Cosgriff said that he was not present for the deployment of the CEW, and did not observe any  
542 use of force by any of the Officers present.

543 Cosgriff said that he was photographed contemporaneous to the incident and stated that the  
544 photograph would accurately display what uniform he was wearing and what equipment he  
545 had on during the incident. Cosgriff said that he did have his department issued CEW with him,  
546 but stated that he did not deploy it during the altercation with Greer.

547 At 0900 hours on the following day (27 May 2014), Inspector Woods and I interviewed Officer  
548 Rick Tran in the HPD Reserve trailer. Attorney Justin Buffington was present on behalf of Tran.  
549 Tran was advised that the interview was voluntary. Tran agreed to provide a statement.

550 Tran was hired with HPD in October 2013. Tran worked briefly with the San Jose Police  
551 department before coming to HPD. Tran currently is assigned to a midnight patrol shift.

552 Tran was at the police department when he heard Lieutenant Lutzinger make a traffic stop of a  
553 vehicle that was driving erratically. Tran responded from the police department to the KMART  
554 Parking lot just in case he was needed. While travelling to the parking lot, the HPD  
555 Communication Center put out a broadcast, indicating the Lutzinger was fighting with a subject.

556 Tran said that he responded "Code 3" to the parking lot and upon his arrival, he saw three to  
557 four Officers struggling with a subject, later identified as Greer. Tran said that he parked his  
558 vehicle and attempted to gain control of Greer's right arm, which was concealed under his  
559 body. Tran noticed that an Officer, who he did not recognize, was unable to gain control of  
560 Greer's right arm and free it from underneath his body. Tran said that Greer was overpowering  
561 the Officer and pulling him the ground. Tran also saw that there were linked pairs of handcuffs  
562 on Greer's left wrist.

563 Tran described Greer as being extremely strong. Tran recalled that at some point, he was able  
564 to pull Greer's arm from underneath his body, but stated that Greer was able to regain control  
565 of his arm and put it back underneath him. Tran felt that this went on for five to six minutes  
566 before he and the other officers were finally able to place Greer into handcuffs. Tran described

567 Greer as extremely strong; having super-strength. Tran suspected that Greer was on  
568 phencyclidine (PCP) or some other drug.

569 Tran said that Greer continued to resist him and the other officers while someone began to  
570 apply the WRAP to Greer's legs. Greer continued to kick, toss and turn in an attempt to resist  
571 being placed into the WRAP. Tran said that after Greer was placed into the WRAP, Greer was  
572 placed into a seated position. Once in this position, Tran noticed that Greer was unresponsive.  
573 Tran said that emergency personnel were nearby and someone waved them over immediately.

574 Tran said that he did not see any officer's strike or use any weapons on Greer; other than  
575 seeing Lutzinger deploy his CEW on Greer. Tran said that Greer did not heed to warnings from  
576 Lutzinger that he would be tased if he did not stop resisting. Tran described Lutzinger deploying  
577 the CEW in the "Drive" mode and said that the use of the CEW did not appear to have an effect  
578 on Greer.

579 Tran confirmed that he was photographed contemporaneous to the incident and stated that  
580 the photograph would accurately depict what uniform he was wearing and what equipment he  
581 had on during the incident. Tran said that he did have his department issued CEW with him, but  
582 stated that he did not deploy it during the altercation with Greer.

583 At 0930 Inspector Woods and I interviewed Officer Norman McAdams in the HPD Reserve  
584 trailer. Attorney Justin Buffington was present on behalf of McAdams. I advised McAdams that  
585 the interview was voluntary; and told him that he could terminate the interview any time he  
586 wished. McAdams elected to participate in the interview.

587 McAdams has been a full-time HPD Officer since December 2009. McAdams was an HPD  
588 Reserve Officer for seven years before he was hired full-time at HPD. McAdams was employed  
589 by the Alameda County Coroner's Bureau for eleven and a half years before he was hired at  
590 HPD. McAdams also worked for the California Highway Patrol for one year.

591 On the evening of the incident, McAdams was riding a two-person patrol car with Reserve  
592 Officer Covarrubias. McAdams said that he became aware that Lieutenant Lutzinger had  
593 possibly stopped a drunk driver, so he went to assist because he was the only unit equipped  
594 with a Pre Alcohol Screening (PAS) device. While he was driving to the scene of the stop, he  
595 heard what he believed was a scuffle being broadcasted through the radio.

596 McAdams arrived at the Kmart parking lot and saw a subject, later identified as Greer, on the  
597 ground struggling with Officers and thrashing around. McAdams believed that it took him  
598 ninety-seconds to get on scene and noted that Greer did not seem to be tired; in contrast to the  
599 other Officers who were breathing heavily. McAdams described Greer as "Putting up a good  
600 fight." McAdams believed that Greer was under the influence of something based on his  
601 behavior. McAdams said that Greer was saying the same phrase over-and-over, which was  
602 indicative of an impaired person.

603 McAdams said that he could hear Greer asking "What are you doing to me?" McAdams said  
604 that he noticed that Greer was kicking his legs around, so he and Covarrubias each grabbed one  
605 of Greer's legs. McAdams said that he used his knee and body weight to control Greer's leg.  
606 McAdams commented that it took all of his body weight to control Greer's leg.

607 McAdams heard Lutzinger warn Greer that he would be tased if he continued to struggle  
608 around. Moments afterwards, McAdams saw Lutzinger use his CEW in the "Dart" mode at close  
609 range. McAdams said that probes from the CEW made contact in Greer's lower back. McAdams  
610 saw that the CEW did not appear to have an effect on Greer and stated that the probes were  
611 too close together. McAdams said that Lutzinger issued another warning to Greer; then  
612 discharged the CEW a second time. This also did not appear to affect Greer, who continued to  
613 resist.

614 McAdams and the other Officers continued to struggle with Greer and were eventually able to  
615 handcuff Greer by linking handcuffs together. McAdams said that Greer continued to thrash  
616 around so he held onto Greer's leg until Officer DeLira was able to get the leg portion of the  
617 WRAP on Greer's legs. Once the leg restraints were on Greer, McAdams let go of the leg that he  
618 was holding and went to his patrol car to conduct a license check on Greer.

619 McAdams returned while other Officers were placing Greer in a seated position. McAdams  
620 noticed that Greer had slumped over and noticed that Greer's lips were discolored. McAdams  
621 said that emergency medical personnel were pulling up at this time. McAdams estimated that  
622 it was less than thirty seconds from the time that the WRAP was applied, from the time that  
623 Paramedics began treating Greer.

624 McAdams said that he rode in the ambulance with Greer to St Rose Hospital. McAdams noted  
625 that paramedics issued four shots of epinephrine (adrenaline) to Greer and observed while they  
626 provided manual resuscitation efforts until arriving at St Rose hospital. McAdams estimates that

627 medical personnel attempted to revive Greer for about one hour before he was pronounced  
628 dead.

629 McAdams said that while he was present during the struggle, he did not see any weapons used  
630 on Greer, other than the CEW used by Lieutenant Lutzinger. McAdams did not see anyone  
631 strike Greer and said that he and other Officers were only trying to get Greer under control so  
632 that he could be handcuffed.

633 McAdams said that he was photographed subsequent to the incident and said the pictures  
634 would accurately reflect what he was wearing, and what equipment he had during the  
635 encounter with Greer. McAdams was armed with his assigned CEW, but did not deploy it that  
636 evening.

637 At 1100 hours HPD Officer Sean Spillner was interviewed by Inspector Woods and Detective  
638 Hoyer. Attorney Justin Buffington was present on behalf of Officer Spillner. Woods advised  
639 Spillner that his participation in the interview was voluntary; and advised that Spillner could  
640 end the interview at any time.

641 Spillner was hired as a police Officer in January 2013. Spillner is currently assigned to swing shift  
642 patrol.

643 Spillner said that prior to the encounter with Greer he was riding a two-car unit with Officer  
644 Tong. Spillner was aware that Lieutenant Lutzinger had made a traffic stop on a vehicle that was  
645 driving erratically. Spillner was aware that the final location of the stop was the Kmart parking  
646 lot.

647 Spillner said that he and Tong were in the downtown area when they heard what appeared to  
648 be a struggle over the police radio. Spillner and Tong responded "Code 3" to the location of the  
649 stop. Upon arrival, Spillner noticed that five or six Officers were situated around a subject, later  
650 identified as Greer. Spillner noted that Greer was resisting the Officers.

651 Spillner said that he and Tong cleared the truck that they believed was associated with Greer.  
652 After the truck was cleared, Spillner noticed that Greer was still resisting the other Officers and  
653 saw that the Officers were trying to handcuff Greer. Spillner said that he watched as the other  
654 Officers attempted to handcuff Greer and explained that he was not able to physically help the  
655 Officers because there was no place for him to grab. Spillner said that he used his police radio  
656 and advised other responding units to slow down. Spillner could hear Greer continue to yell.  
657 Spillner said that he and the other Officers told Greer to calm down.

658 Spillner said that the Officers were eventually able to place Greer in handcuffs. Spillner saw that  
659 Lutzinger appeared to be fatigued, so he took Lutzinger's position by taking control of Greer's  
660 wrist and placing his knee against Greer's left buttock. Spillner said that Greer continued to  
661 resist and yelled, "Get off me, fuck you guys." Spillner described Greer as very strong. Spillner  
662 commented that despite the number of officers present, Greer was still able to put up  
663 resistance.

664 Spillner said that other officers began putting Greer into the WRAP. Spillner said that he  
665 believes that Greer lost consciousness during this time. Spillner said that he was released from  
666 the scene while emergency medical personnel were working on Greer.



667 Spillner said that while he was present, he did not see any weapons deployed. Spillner  
668 surmised that the CEW had been used because he saw the wire component of the CEW on the  
669 ground when he arrived.

670 Spillner confirmed that he was photographed subsequent to the incident. Spillner said the  
671 pictures would accurately reflect what he was wearing and what equipment he had on during  
672 the encounter with Greer. Spillner was armed with his assigned CEW, but did not deploy it that  
673 evening.

674 At 1125 hours HPD Officer David Waters was interviewed by Inspector Woods and Detective  
675 Hoyer in the HPD Reserve Officer trailer. Jonathan Murphy was present on behalf of Officer  
676 Waters. Woods advised Waters that his participation in the interview was voluntary; and  
677 advised Waters that he could end the interview at any time. Waters elected to provide a  
678 statement.

679 Waters was hired with HPD in January 2010. Waters is currently assigned to swing shift patrol.  
680 Waters had no other law enforcement experience.

681 Waters said that prior to the encounter with Greer he was at the police department. Waters  
682 heard Lutzinger make a traffic stop of a suspected drunk driver. A short while later he heard  
683 garbled radio traffic, consistent with a fight or struggle. Water's said that he responded to the  
684 Kmart lot and saw several HPD Officers struggling to handcuff a subject, later identified as  
685 Greer. Waters noted that Greer appeared to be large and appeared to be strong based on upon  
686 the level of resistance that he exhibited against the Officers.

687 Waters said that that there was no room for him to grab Greer, so he put his foot on Greer's  
688 left shoulder and used his weight to prevent Greer from getting up. Waters said that he did not  
689 have a good stance and said that Greer was able to move his foot around. Waters said that he  
690 maintained this position for about two minutes and described Greer resisting the entire time.  
691 Waters said that after Greer was handcuffed, he backed away and observed what was  
692 happening.

693 Waters said that he did not see the deployment of the Taser or use of any other weapons by  
694 any of the involved Officers. Waters was aware that a CEW was deployed because he could see  
695 the wire component of a CEW on the ground; and heard someone say "watch it my CEW is  
696 under him.

697 Waters confirmed that he was photographed subsequent to the incident. Waters agreed that  
698 the pictures would accurately reflect what he was wearing, and would accurately show the  
699 equipment he had on during the encounter with Greer. Waters was armed with his assigned  
700 CEW, but did not deploy it that evening.

701 At 1238 hours, Inspector Woods and I interviewed Officer Ben Yarbrough in the HPD Reserve  
702 Officer trailer. Yarbrough was accompanied by attorney Sarah Burdick. Yarbrough was advised  
703 that the interview was voluntary. Yarbrough was advised that he could terminate the interview  
704 at any time. Yarbrough agreed to provide a statement.

705 Yarbrough was hired by HPD in January 2014. Yarbrough worked at the Modesto police  
706 department for two and a half years before being hired with HPD. Yarbrough is assigned to  
707 patrol on swing shift.

708 Yarbrough was at HPD when he heard Lieutenant Lutzinger conducting a traffic stop on a  
709 possible drunk driver. Yarbrough said that subsequent to the traffic stop, he heard garbled  
710 radio traffic related to the stop. Yarbrough responded to the KMART parking lot, which was  
711 where he knew the final location of the traffic stop was. While Yarbrough was going to assist,  
712 he heard another Officer broadcast that there were sufficient Officers on scene at KMART.  
713 Yarbrough continued to the scene to determine if he could provide any assistance.

714 Yarbrough said that when he arrived, he could see several Officers holding a subject, later  
715 identified as Greer. Greer was on the ground. Yarbrough said that he could hear Greer yelling  
716 and using profanities. Yarbrough said that the Officers that were involved were merely trying  
717 to hold Greer down. Yarbrough said that Officers were telling Greer to calm down, but Greer  
718 kept yelling and resisting. Yarbrough noted that the Officers appeared to be out of breath and  
719 fatigued. Yarbrough heard someone say to get the WRAP. Yarbrough said that he and Officer  
720 Cosgriff retrieved the WRAP and prepared to place it on Greer.

721 Yarbrough said that he, Cosgriff and an unknown Officer were trying to place the leg restraint  
722 portion of the WRAP on Greer. Yarbrough said that Greer was kicking his legs and moving  
723 around; attempting to prevent he and other Officers from placing the WRAP on his legs.

724 Yarbrough said that Greer was able to move his legs around despite the fact that at least three  
725 Officers were trying to restrain his legs.

726 Yarbrough said that he and the other Officers were finally able to secure Greer's legs with the  
727 bottom portion of the WRAP. As the Officers put Greer into a seated position, Yarbrough  
728 noticed that Greer was less resistant and noticed that his eyes were closed. Yarbrough said that

729 he and another Officer used their hands to see if Greer was breathing and believes that he was  
730 breathing very lightly. Someone asked where the paramedics were. Yarbrough said right when  
731 he heard that, he could see emergency medical personnel approaching. Yarbrough estimates  
732 that emergency medical personnel were treating Greer within ten to fifteen seconds.

733 Yarbrough said that he did not see any one strike Greer and said that he did not witness any  
734 other Officer use any weapons on Greer while he was on scene. Yarbrough said that he was not  
735 present during the deployment of the CEW.

736 Yarbrough said that he was instructed to leave the scene while emergency medical personnel  
737 were treating Greer.

738 Yarbrough confirmed that he was photographed subsequent to the incident, and said the  
739 pictures would accurately reflect what he was wearing, and what equipment he had during the  
740 encounter with Greer. Yarbrough was armed with his assigned CEW, but did not deploy it that  
741 evening.

742 At 1300 hours, Woods and I interviewed Officer De Lira in the HPD Reserve trailer. De Lira was  
743 accompanied by Attorney Sarah Burdick. De Lira was advised that his participation in the  
744 interview was voluntary and was advised that the interview would be terminated at his request.  
745 De Lira chose to participate in the interview.

746 De Lira has been employed with HPD since September 2013. De Lira has no previous law  
747 enforcement experience.

748 De Lira was working patrol on the evening of the incident; and went to the Kmart parking lot in  
749 response to a radio broadcast by Lutzinger; who advised that he was fighting with someone.

750 De Lira said that when he arrived, he could see several Officers attempting to handcuff a  
751 subject later identified a Greer. De Lira said that Greer and the Officers were on the ground;  
752 and stated that he could not position himself to where he could help physically restrain Greer.

753 De Lira said that he observed Greer continually resist and trying to push himself off of the  
754 ground. De Lira saw that Greer was continually resisting Officers' efforts to pull his arms behind  
755 his back. De Lira said that it was obvious that Greer did not want to go into custody and would  
756 stop at nothing.

757 De Lira heard Lutzinger say that they needed the WRAP; so he and Cosgriff retrieved the WRAP.

758 De Lira said that he returned to Greer and could see that the Reserve Officer Corvarrubias was  
759 holding Greer's legs but suddenly let go. De Lira said at this point, he could see Greer's legs  
760 flailing around so he grabbed them in order to control them. De Lira said that the whole time  
761 Greer is telling the officers to get off of him.

762 De Lira said that he and other Officers were able to put the bottom portion of the WRAP on  
763 Greer. De Lira said that he and the Officers rolled Greer to a sitting position and placed the  
764 harness portion of the WRAP on Greer. De Lira said that Greer appeared to be unconscious at  
765 this point. De Lira said that emergency medical personnel were present as soon as Officers  
766 were able to put the harness portion of the WRAP on Greer. De Lira said that both he and  
767 Cosgriff performed a sternum rub on Greer, which had no effect on Greer's state of  
768 consciousness.

769 De Lira said that he was aware that Greer still had a pulse at this point. DeLira heard medical  
770 personnel check Greer in his presence and overheard emergency medical personnel announce  
771 that Greer had a pulse.

772 De Lira described Greer as large. De Lira estimated the Greer was close to four-hundred  
773 pounds. De Lira said that five to seven officers were unable to get Greer's arms behind his back,  
774 so he was definitely not weak. De Lira said that he could not testify if De Lira was under the  
775 influence of anything, but said that his initial impression was that De Lira had strength  
776 consistent with stimulant use.

777 De Lira said that he did not see any weapons deployed by anyone and said that he did not see  
778 anyone strike Greer, or attempt to place him in a carotid hold. De Lira surmised that a CEW was  
779 deployed because he saw the wire component of the CEW on the ground.

780 De Lira said that he was photographed contemporaneous to the incident and stated that the  
781 photograph would accurately display what uniform he was wearing, and what equipment he  
782 had on during the incident. De Lira said that he did have his department issued CEW with him,  
783 but did not use it during the encounter with Greer.

784 I reviewed the surveillance footage of the incident that was captured by BART Police Officer  
785 Tougas' body camera. The footage was consistent with the testimony provided by the officers.

786 Only a synopsis of the footage follows:

787 The footage provided to me is not date/time stamped. The footage begins with the arrival of  
788 HPD officers. Lieutenant Lutzinger and Officer Clark approach Greer's truck via the driver's side.

789 BART Officer Tougas observes from a distance. Another officer, Presumably Lewandowski,  
790 approached the truck on the passenger side. Lutzinger directs Greer out of the truck. Greer is  
791 compliant, and Lutzinger and Clark conduct a cursory search for weapons.

792 About one minute and forty seconds into the recording, Lutzinger initiates the horizontal  
793 nystagmus test. Greer seems compliant at this point and attempts to participate in the test.  
794 Afterwards, Lutzinger directs Greer to the opposite side of the truck. Greer is still compliant.

795 Lutzinger explains to Greer that he will administer the field sobriety test (FST). Greer attempts  
796 to participate in the balance test, but quits and begins protesting at about three minutes and  
797 forty seconds into the footage. Greer ask "What are you guys messing with me for." Lutzinger  
798 calmly attempts to explain the procedure.

799 About four minutes into the footage, Greer attempts to walk away. Lutzinger and Clark each  
800 grab an arm to restrain Greer. Greer looks around and begins repeating the phrase "What are  
801 your guys doing with me." Greer appears paranoid, and the officers tell him to relax and  
802 instruct him to put his hands behind his back. Greer continues yells, 'Hey, Hey, what are you  
803 doing, what are you doing, you guys are fucking up." Greer repeatedly ask, "What are you  
804 doing."

805 At about five minutes into the footage, Greer falls backwards while repeatedly asking, "What  
806 are you doing." The footage shows that the Officers are unable to control Greer to maneuver  
807 him into a position where he they can safely handcuff him. The Officers continually struggle to  
808 control Greer. Approximately fifty seconds later, the Officers are able to roll Greer onto his

809 stomach; an unknown Officer (presumably Lewandowski, based on his interview) places a knee  
810 on Greer's shoulder. Greer is still able to squirm and move around.

811 At around six minutes and forty seconds, a CEW is pressed against Greer's back and Lutzinger  
812 warns Greer that he will be tased. Greer does not heed to the warning. Ten seconds later, the  
813 CEW is discharged for less than five seconds. This has no visible effect on Greer. Greer  
814 continues to repeat, "What are you guys doing?"

815 Ten to fifteen seconds later, the CEW is deployed for a second time. Greer yells, but does not  
816 appear to stiffen or stop squirming. Greer immediately begins yelling and repeating, "What the  
817 fuck you guys doing to me." An unknown officer can be heard saying "He still has a hand under  
818 him."

819 About one minute later, an officer (presumably Tong, based on his statement) uses his hand,  
820 then collapsible baton in what appears to be an attempt to stimulate Greer's  
821 temporomandibular joint (TMJ). This does not appear to have an effect on Greer; and officers  
822 are still unable to handcuff Greer. At about the same time, an Officer (Presumably  
823 Lewandowski based on his statement) uses a wooden baton and attempts to pry Greer's arm  
824 from underneath his body. This is unsuccessful and the baton is discarded. Greer continually  
825 yells "Get off of me" while officer continually tell him to relax and calm down. When it appears  
826 as if Greer is handcuff, he keeps repeating, "Stop it" despite the fact that the offers do not  
827 appear to be doing anything other than keeping him on the ground.

828 Ten minutes and thirty seconds into the video, the footage records Greer's last verbal  
829 communication and he appears to stop struggling. About thirty seconds later, Officers sense



830 that Greer is unconsciousness. About two minutes later, emergency medical personnel can be  
831 seen approaching Greer.

832 During my observation of the footage of the event, I did not see any of the involved Officers  
833 strike, attempt a carotid hold, choke or use any weapons other than the CEW in their attempt  
834 to subdue and handcuff Greer.

835 I reviewed the Evidence Sync Device Reports of the CEW issued to the HPD officer that were  
836 physically involved in the altercation with Greer. The reports were provided to me by Sergeant  
837 Ken Forkus after I was assigned as the Primary Investigator of the incident. The reports  
838 indicates that CEWs issued to Officers Clark, Cosgriff, DeLira, McAdams, Spillner, Tong, Tran,  
839 Waters, Yarbrough and Reserve Officer Covarrubias were not discharged during the evening of  
840 23 May 2014; the date in which HPD Officers encountered Greer.

841 I reviewed the report specific to the CEW assigned to Lieutenant Lutzinger. I noted that the  
842 time and date recordings on the report appeared to be inconsistent with when altercation  
843 occurred. The report indicated that the CEW was deployed at 22:22:44, which is about twenty  
844 minutes before Lutzinger initiated the traffic stop on Greer.

845 The report also indicated that only cartridge #2 on Lutzinger's CEW was fired during the  
846 incident and showed no entry that Cartridge #1 was discharged during the altercation with  
847 Greer. This is inconsistent with how the CEW is designed to operate; since the cartridges are  
848 fired in sequence. The report did show an entry that cartridge #1 was discharged on October 8,  
849 2029. This entry was logged directly prior to the entry related to when cartridge 2 was  
850 discharged on 23 May 2014.

851 I contacted [REDACTED] [REDACTED] a representative at Taser international, which is the company that  
852 provides HPD with the CEWs. I explained the discrepancies to [REDACTED] and provided him with the  
853 portion the Evidence Sync Report related to Lutzinger CEW use.

854 [REDACTED] said that it was probable that the entry associated with the October 8 2029 date  
855 represented the first discharge of Lutzinger's CEW on 23 May 2014. [REDACTED] said that he could  
856 not be one-hundred percent sure until he physically examined the CEW used by Lutzinger.

857 [REDACTED] also explained that it was not uncommon for the digital clocks on the CEWs to be  
858 inaccurate if the CEWs were not regularly synced. [REDACTED] said that the digital clocks on the CEWs  
859 could "drift" up to two minutes per month in they were not regularly properly synced.

860 Based on this information, the Sync Device Report supports Lieutenant Lutzinger's testimony  
861 that he discharged his assigned CEW two times during the encounter with Greer. Time between  
862 the deployments of the cartridges was seventeen seconds. Based on the report, the duration of  
863 the trigger pulls were seven seconds on the first discharge and five seconds on the second  
864 discharge.

865 The report also indicates that about two minutes later, the CEW assigned to Lutzinger was put  
866 in the "Armed" mode, but was not discharged. This is consistent with Officer Clark's testimony  
867 that he picked up a CEW and prepared to use it in the "Stun" mode before placing it in "Safe"  
868 mode after he determined that the officers had gained control of Greer.

869 I reviewed the report specific to the CEW assigned to Officer Lewandowski. It appeared that the  
870 digital clock on the CEW assigned to Lewandowski was also inaccurate; as it indicated that

871 Lewandowski used his CEW in the "Drive" mode, about five minutes before Lutzinger initiated  
872 the traffic stop.

873 The report indicates that on the day when HPD encountered Greer, Lewandowski's CEW was  
874 discharged in a two, then one seconds burst. The report indicates that there was one seconds  
875 of inactivity between the first and second use (ARC) of the CEW.

876 Based on my review of the Evidence Sync Reports, both cartridges components of Lutzinger's  
877 assigned CEW were discharged in the "Dart" mode on the date when HPD officers encountered  
878 Greer. Based on the report, the trigger was held for seven seconds on the first cartridge; then  
879 five seconds on the second cartridge. My review of the reports also indicate that the only other  
880 CEW in use was the one assigned to officer Lewandowski, which was in the "Drive" mode, for  
881 two then one seconds. This appears to be an appropriate use of the CEW, based on Greer's  
882 level of resistance.

883 Greer's autopsy was conducted on 27 May 2014. The autopsy was conducted by [REDACTED]  
884 [REDACTED] a pathologist with the Alameda County Coroner's office. Detectives Mark Quinn and  
885 Robert Purnell attended the autopsy. Upon the completion of the autopsy, [REDACTED] verbally  
886 advised the Detectives that he noted no brain trauma, or trauma to the neck area of Greer.  
887 [REDACTED] noted that Greer had an enlarged heart and and signs of heart disease. [REDACTED] told  
888 the Detective that his initial impression was that Greer's death was due to exerted violent  
889 energy with an unhealthy cardio-pulmonary system.

890 It should be noted that I received a draft copy of the Coroner Investigator Report on 27 July  
891 2014. The report lists Greer's cause of death as acute phencyclidine (PCP) intoxication

892 associated with physical exertion. The report also noted the presence of cardiomyopathy  
893 (enlarged heart). [REDACTED] notes finding minor cuts and abrasions, but notes no blunt trauma  
894 on Greer's body.

895 I spoke with Greer family members to obtain information regarding his medical history. I met  
896 with his [REDACTED] [REDACTED] [REDACTED] and his [REDACTED] [REDACTED] [REDACTED]. Neither was aware of any  
897 issues that Greer had regarding his heart. Both were aware that Greer had [REDACTED]  
898 and possibly [REDACTED], but were unaware if he was taking medication for either ailment.  
899 Neither was aware if Greer had a regular physician and believed that that Greer was last seen  
900 by a physician in November of 2011 after [REDACTED].

901 I also spoke with Greer's [REDACTED] [REDACTED] [REDACTED] and his [REDACTED] [REDACTED] [REDACTED] to determine if Greer  
902 had any known ailments or problems. I spoke with them on two occasions. The first interview  
903 was conducted in HPD interview room #222. [REDACTED] was physically present. I communicated  
904 with [REDACTED] through the phone.

905 Both said they had no knowledge of Greer's medical history and stated that they were unaware  
906 if he had a regular physician. Both stated that Greer never mentioned any medical issues  
907 related to his heart. [REDACTED] said that she was unaware that Greer had a history of substance  
908 abuse and stated that she has only seen him drink beer in moderation. [REDACTED] said that she was  
909 unaware that Greer had [REDACTED], but said that he had [REDACTED] but was not sure if  
910 he was taking medication for it.

911 [REDACTED] also recalled speaking to Greer by phone on the night that he died. [REDACTED] and I  
912 examined her phone, which showed that she received a phone call from the phone number

913 determined to be Greer's at 2223 hours, eighteen minutes before Lutzinger initiated his traffic  
914 stop. [REDACTED] said that Greer appeared normal during her conversation with him. [REDACTED] also  
915 advised that Greer spent the day with her [REDACTED] [REDACTED] who told her that [REDACTED] appeared  
916 to be normal. During my second interview with [REDACTED] and [REDACTED] they did not volunteer any  
917 additional information regarding Greer's medical history.

918 It should be noted that prior to my interview with [REDACTED] she spoke to [REDACTED] by phone while I  
919 was not present. [REDACTED] said, "I don't think that we should give them too much information  
920 about dad's medical." This conversation was recorded on the interview room camera. Based on  
921 [REDACTED] suggestion to [REDACTED] It is likely that [REDACTED] might be aware of other medical ailments  
922 suffered by Greer that she did not want to disclose for some unknown reason.

#### 923 CONCLUSIONS:

924 Based on the information learned during this investigation, it is my opinion that the involved  
925 Officers were forced to exercise their authority under Penal Code section 835a to overcome  
926 Greer's resistance. Interviews with uninvolved witnesses, involved Officers and a review of the  
927 digital recording that captured the altercation show no indication that Greer was struck,  
928 subjected to a carotid restraint, choke hold, or subjected to any weapons other than the use of  
929 the CEW. The use of the CEW appears to be appropriate. The preliminary draft of the Coroner's  
930 investigator's report indicate that the pathologist noted no blunt injuries on Greer's body, and  
931 describes only minor abrasions and lacerations being present.

932 Greer, who had a history of drug use, displayed objective symptoms of Phencyclidine  
933 intoxication (impervious to pain, stiffness, paranoia). The toxicology report confirmed that

934 Greer had well more than a toxic level of Phencyclidine in his system during his encounter with  
935 HPD Officers.

936 The information learned in the investigation is consistent with the findings of the Forensic  
937 Pathologist, which list the cause of death as Acute Phencyclidine Intoxication associated with  
938 physical exertion.

939 This report will be forwarded to the office of Internal Affairs for Use of Force and Policy review.

█

[REDACTED]

█

[REDACTED]

█

[REDACTED]

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[REDACTED]

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[REDACTED]

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[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

985 CASE STATUS:

986 Open pending review by HPDs Internal Affairs unit.



# HAYWARD POLICE DEPARTMENT

## CASE SUPPLEMENT REPORT

CASE#

**2014-00038880**

300 West Winton Avenue

Hayward, CA 94544

<b>EVENT</b>	REPORTED DATE/TIME <b>5/23/2014 22:41</b>	OCCURRED INCIDENT TYPE	
	OCCURRED FROM DATE/TIME	OCCURRED THRU DATE/TIME	LOCATION OF OCCURRENCE

<b>OFFENSES</b>		STATUTE/DESCRIPTION	COUNTS	ATTEMPT/COMMIT

<b>SUBJECT</b>	SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX) <input type="checkbox"/> NON-DISCLOSURE			
	DOB      AGE or AGE RANGE		ADDRESS (STREET, CITY, STATE, ZIP)			
	SEX	RACE	EYE	HAIR	HEIGHT or RANGE	WEIGHT or RANGE
	DL NUMBER/STATE		PFN	PRIMARY PHONE		PHONE #2

<b>SUBJECT</b>	SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX) <input type="checkbox"/> NON-DISCLOSURE			
	DOB      AGE or AGE RANGE		ADDRESS (STREET, CITY, STATE, ZIP)			
	SEX	RACE	EYE	HAIR	HEIGHT or RANGE	WEIGHT or RANGE
	DL NUMBER/STATE		PFN	PRIMARY PHONE		PHONE #2

<b>SUBJECT</b>	SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX) <input type="checkbox"/> NON-DISCLOSURE			
	DOB      AGE or AGE RANGE		ADDRESS (STREET, CITY, STATE, ZIP)			
	SEX	RACE	EYE	HAIR	HEIGHT or RANGE	WEIGHT or RANGE
	DL NUMBER/STATE		PFN	PRIMARY PHONE		PHONE #2

<b>SUBJECT</b>	SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX) <input type="checkbox"/> NON-DISCLOSURE			
	DOB      AGE or AGE RANGE		ADDRESS (STREET, CITY, STATE, ZIP)			
	SEX	RACE	EYE	HAIR	HEIGHT or RANGE	WEIGHT or RANGE
	DL NUMBER/STATE		PFN	PRIMARY PHONE		PHONE #2

REPORTING OFFICER	DATE	REVIEWED BY
McCrea	417      5/23/2014	bobbie.koller Bolster-Koller, Bobbie 8/6/2014 07:04

# HAYWARD POLICE DEPARTMENT

## CASE SUPPLEMENT REPORT

CASE#

2014-00038880

300 West Winton Avenue

Hayward, CA 94544

### NARRATIVE

**PURPOSE:** The purpose of this supplemental report is to document my assistance with this case investigation.

**NARRATIVE:** On 052314, I responded to a request for additional assistance at the scene of a traffic stop in the KMart parking lot at Harder Road and Mission Boulevard. I arrived on scene at 2338 hours and was assigned to take over the crime scene log from Ofc. de Lira.

I took over the crime scene log until I was relieved from this position by Ofc. Cannon at 0412 hours.



\*\*\*End of Supplemental Report- M. McCrea #417\*\*\*

REPORTING OFFICER	DATE	REVIEWED BY
McCrea 417	5/23/2014	bobbie.koller Bolster-Koller, Bobbie 8/6/2014 07:04

# HAYWARD POLICE DEPARTMENT

## CASE SUPPLEMENT REPORT

CASE#

**2014-00038880**

300 West Winton Avenue  
Hayward, CA 94544

<b>EVENT</b>	REPORTED DATE/TIME <b>5/23/2014 23:30</b>	OCCURRED INCIDENT TYPE	
	OCCURRED FROM DATE/TIME	OCCURRED THRU DATE/TIME	LOCATION OF OCCURRENCE

<b>OFFENSES</b>		STATUTE/DESCRIPTION	COUNTS	ATTEMPT/COMMIT

<b>SUBJECT</b>	SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX) <input type="checkbox"/> NON-DISCLOSURE			
	DOB      AGE or AGE RANGE		ADDRESS (STREET, CITY, STATE, ZIP)			
	SEX	RACE	EYE	HAIR	HEIGHT or RANGE	WEIGHT or RANGE
	DL NUMBER/STATE		PFN	PRIMARY PHONE		PHONE #2

<b>SUBJECT</b>	SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX) <input type="checkbox"/> NON-DISCLOSURE			
	DOB      AGE or AGE RANGE		ADDRESS (STREET, CITY, STATE, ZIP)			
	SEX	RACE	EYE	HAIR	HEIGHT or RANGE	WEIGHT or RANGE
	DL NUMBER/STATE		PFN	PRIMARY PHONE		PHONE #2

<b>SUBJECT</b>	SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX) <input type="checkbox"/> NON-DISCLOSURE			
	DOB      AGE or AGE RANGE		ADDRESS (STREET, CITY, STATE, ZIP)			
	SEX	RACE	EYE	HAIR	HEIGHT or RANGE	WEIGHT or RANGE
	DL NUMBER/STATE		PFN	PRIMARY PHONE		PHONE #2

<b>SUBJECT</b>	SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX) <input type="checkbox"/> NON-DISCLOSURE			
	DOB      AGE or AGE RANGE		ADDRESS (STREET, CITY, STATE, ZIP)			
	SEX	RACE	EYE	HAIR	HEIGHT or RANGE	WEIGHT or RANGE
	DL NUMBER/STATE		PFN	PRIMARY PHONE		PHONE #2

REPORTING OFFICER	DATE	REVIEWED BY
Javier	327      5/23/2014	bobbie.koller Bolster-Koller, Bobbie 8/6/2014 06:58

# HAYWARD POLICE DEPARTMENT

## CASE SUPPLEMENT REPORT

CASE#

2014-00038880

300 West Winton Avenue

Hayward, CA 94544

### NARRATIVE

HPD PERSONNEL: Lt. Lutzinger, Sgt. Forkus, Ofc. Tran, Ofc. Clark, Ofc. De Lira, Ofc. Cosgriff, Ofc. Waters, Ofc. McAdams, S. Spillner, Ofc. Tong, Ofc. Lewandowski, and Res. Ofc. Covarrubias.

NARRATIVE: On 05-23-14 at 2330 hours, I responded to the K Mart parking lot on Mission Blvd and Harder Rd to assist in a death investigation. I responded to the area from the Hayward Police Department (HPD).

Once on scene I contacted Sgt. Forkus. I was assigned to transport Ofc. Tran and Ofc. Clark's civilian ride along, [REDACTED], from the scene to HPD. Once at HPD, I kept Ofc. Tran and the other above listed officers involved in the incident separated from any other involved party from the detail.

\*\*\* END OF REPORT - J. Javier #327

REPORTING OFFICER	DATE	REVIEWED BY
Javier 327	5/23/2014	bobbie.koller Bolster-Koller, Bobbie 8/6/2014 06:58

# HAYWARD POLICE DEPARTMENT

## CASE SUPPLEMENT REPORT

CASE#

**2014-00038880**

300 West Winton Avenue

Hayward, CA 94544

<b>EVENT</b>	REPORTED DATE/TIME <b>05/24/2014 03:37</b>	OCCURRED INCIDENT TYPE	
	OCCURRED FROM DATE/TIME	OCCURRED THRU DATE/TIME	LOCATION OF OCCURRENCE

<b>OFFENSES</b>	#	STATUTE/DESCRIPTION	COUNTS	ATTEMPT/COMMIT

<b>SUBJECT</b>	SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX) <input type="checkbox"/> NON-DISCLOSURE			
	DOB      AGE or AGE RANGE		ADDRESS (STREET, CITY, STATE, ZIP)			
	SEX	RACE	EYE	HAIR	HEIGHT or RANGE	WEIGHT or RANGE
	DL NUMBER/STATE		PFN	PRIMARY PHONE		PHONE #2

<b>SUBJECT</b>	SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX) <input type="checkbox"/> NON-DISCLOSURE			
	DOB      AGE or AGE RANGE		ADDRESS (STREET, CITY, STATE, ZIP)			
	SEX	RACE	EYE	HAIR	HEIGHT or RANGE	WEIGHT or RANGE
	DL NUMBER/STATE		PFN	PRIMARY PHONE		PHONE #2

<b>SUBJECT</b>	SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX) <input type="checkbox"/> NON-DISCLOSURE			
	DOB      AGE or AGE RANGE		ADDRESS (STREET, CITY, STATE, ZIP)			
	SEX	RACE	EYE	HAIR	HEIGHT or RANGE	WEIGHT or RANGE
	DL NUMBER/STATE		PFN	PRIMARY PHONE		PHONE #2

<b>SUBJECT</b>	SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX) <input type="checkbox"/> NON-DISCLOSURE			
	DOB      AGE or AGE RANGE		ADDRESS (STREET, CITY, STATE, ZIP)			
	SEX	RACE	EYE	HAIR	HEIGHT or RANGE	WEIGHT or RANGE
	DL NUMBER/STATE		PFN	PRIMARY PHONE		PHONE #2

REPORTING OFFICER <b>Mizuhara</b>	301	DATE <b>05/24/2014</b>	REVIEWED BY <b>bobbie.koller Bolster-Koller, Bobbie 8/6/2014 07:01</b>
--------------------------------------	-----	---------------------------	---

# HAYWARD POLICE DEPARTMENT

## CASE SUPPLEMENT REPORT

CASE#

2014-00038880

300 West Winton Avenue

Hayward, CA 94544

### NARRATIVE

#### NARRATIVE:

On 05-21-14 at approximately 0000hrs I was working HPD patrol. I was assigned by HPD dispatch to relieve Officer N. McAdams who was maintaining chain of custody for the body of James Greer. I took custody of the body at approximately 0010hrs.

On 05-24-14 at approximately 0300hrs Alameda Co Deputy Coroner A. Williams # 1998 took custody of James Greer's body, Coroner case [REDACTED] I received a coroners receipt for Greer's property.

[REDACTED]

Paramedics Plus EMT Ryan Preston provided me with a copy of the paramedic report [REDACTED]

End of report.

REPORTING OFFICER	DATE	REVIEWED BY
Mizuhara 301	05/24/2014	bobbie.koller Bolster-Koller, Bobbie 8/6/2014 07:01

# HAYWARD POLICE DEPARTMENT

## CASE SUPPLEMENT REPORT

CASE# **2014-00038880**

300 West Winton Avenue  
Hayward, CA 94544

<b>EVENT</b>	REPORTED DATE/TIME <b>05/23/2014 22:41</b>	OCCURRED INCIDENT TYPE	
	OCCURRED FROM DATE/TIME	OCCURRED THRU DATE/TIME	LOCATION OF OCCURRENCE

<b>OFFENSES</b>	#	STATUTE/DESCRIPTION	COUNTS	ATTEMPT/COMMIT

<b>SUBJECT</b>	SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX) <input type="checkbox"/> NON-DISCLOSURE			
	DOB      AGE or AGE RANGE		ADDRESS (STREET, CITY, STATE, ZIP)			
	SEX	RACE	EYE	HAIR	HEIGHT or RANGE	WEIGHT or RANGE
	DL NUMBER/STATE		PFN	PRIMARY PHONE		PHONE #2

<b>SUBJECT</b>	SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX) <input type="checkbox"/> NON-DISCLOSURE			
	DOB      AGE or AGE RANGE		ADDRESS (STREET, CITY, STATE, ZIP)			
	SEX	RACE	EYE	HAIR	HEIGHT or RANGE	WEIGHT or RANGE
	DL NUMBER/STATE		PFN	PRIMARY PHONE		PHONE #2

<b>SUBJECT</b>	SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX) <input type="checkbox"/> NON-DISCLOSURE			
	DOB      AGE or AGE RANGE		ADDRESS (STREET, CITY, STATE, ZIP)			
	SEX	RACE	EYE	HAIR	HEIGHT or RANGE	WEIGHT or RANGE
	DL NUMBER/STATE		PFN	PRIMARY PHONE		PHONE #2

<b>SUBJECT</b>	SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX) <input type="checkbox"/> NON-DISCLOSURE			
	DOB      AGE or AGE RANGE		ADDRESS (STREET, CITY, STATE, ZIP)			
	SEX	RACE	EYE	HAIR	HEIGHT or RANGE	WEIGHT or RANGE
	DL NUMBER/STATE		PFN	PRIMARY PHONE		PHONE #2

REPORTING OFFICER <b>Cannon</b>	497	DATE <b>05/23/2014</b>	REVIEWED BY <b>bobbie.koller Bolster-Koller, Bobbie 8/6/2014 06:55</b>
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# HAYWARD POLICE DEPARTMENT

## CASE SUPPLEMENT REPORT

CASE#

2014-00038880

300 West Winton Avenue

Hayward, CA 94544

### VEHICLES as INVOLVED

CASE VEHICLE	VEHICLE ROLE			
	VEH YR	TYPE/MAKE/MODEL		STYLE
	PLATE / STATE	VIN	TOP COLOR	BOTTOM COLOR
	ADDITIONAL DESCRIPTIVE INFORMATION			

CASE VEHICLE	VEHICLE ROLE			
	VEH YR	TYPE/MAKE/MODEL		STYLE
	PLATE / STATE	VIN	TOP COLOR	BOTTOM COLOR
	ADDITIONAL DESCRIPTIVE INFORMATION			

### VEHICLES as PROPERTY

PROPERTY VEHICLE	PROPERTY CODE			VALUE		
	-16769 Property Code			\$,6,000.00		
	VEH YR	TYPE/MAKE/MODEL		STYLE		
	2001	Passenger Car\Chevrolet\C/K 1500\C K 1500		Pickup		
	PLATE / STATE	VIN	TOP COLOR	BOTTOM COLOR		
6P48311/CA				2GCEC19T711279498	Tan	Tan
ADDITIONAL DESCRIPTIVE INFORMATION						

PROPERTY VEHICLE	PROPERTY CODE			VALUE
	VEH YR	TYPE/MAKE/MODEL		STYLE
	PLATE / STATE	VIN	TOP COLOR	BOTTOM COLOR
ADDITIONAL DESCRIPTIVE INFORMATION				

PROPERTY VEHICLE	PROPERTY CODE			VALUE
	VEH YR	TYPE/MAKE/MODEL		STYLE
	PLATE / STATE	VIN	TOP COLOR	BOTTOM COLOR
ADDITIONAL DESCRIPTIVE INFORMATION				

REPORTING OFFICER	DATE	REVIEWED BY
Cannon 497	05/23/2014	bobbie.koller Bolster-Koller, Bobbie 8/6/2014 06:55



# HAYWARD POLICE DEPARTMENT

## CASE SUPPLEMENT REPORT

CASE#

2014-00038880

300 West Winton Avenue

Hayward, CA 94544

### NARRATIVE

NARRATIVE: On 05/24/2014, at 0410 hours, I was working patrol for Hayward PD. I was wearing a full class "c" uniform and driving a fully marked patrol vehicle (297) with overhead lights and siren. I was dispatched to Mission Boulevard and Harder Road to relieve Officer McCrea. I was not involved with the incident and was only dispatched hours after it had occurred.

I arrived on scene and relieved Officer McCrea at approximately 0415 hours and started my Crime Scene Log. Several HPD Personnel were already inside the crime scene when I arrived and no one entered while I was there. The crime scene was broke down at 0430 hours. [REDACTED]

I was tasked by Inspector Woods to tow a 2001 Chevrolet 1500, license #6P48311. Central Tow arrived on scene and placed the vehicle onto his truck. CST Reinke followed the vehicle to the HPD Evidence yard [REDACTED]

END OF NARRATIVE: J. Cannon #497

REPORTING OFFICER	DATE	REVIEWED BY
Cannon 497	05/23/2014	bobbie.koller Bolster-Koller, Bobbie 8/6/2014 06:55

# HAYWARD POLICE DEPARTMENT

## CASE SUPPLEMENT REPORT

CASE#

**2014-00038880**

300 West Winton Avenue  
Hayward, CA 94544

<b>EVENT</b>	REPORTED DATE/TIME <b>05/27/2014 11:12</b>	OCCURRED INCIDENT TYPE	
	OCCURRED FROM DATE/TIME	OCCURRED THRU DATE/TIME	LOCATION OF OCCURRENCE

<b>OFFENSES</b>	#	STATUTE/DESCRIPTION	COUNTS	ATTEMPT/COMMIT

<b>SUBJECT</b>	SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX) <input type="checkbox"/> NON-DISCLOSURE			
	DOB      AGE or AGE RANGE		ADDRESS (STREET, CITY, STATE, ZIP)			
	SEX	RACE	EYE	HAIR	HEIGHT or RANGE	WEIGHT or RANGE
	DL NUMBER/STATE		PFN	PRIMARY PHONE	PHONE #2	

<b>SUBJECT</b>	SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX) <input type="checkbox"/> NON-DISCLOSURE			
	DOB      AGE or AGE RANGE		ADDRESS (STREET, CITY, STATE, ZIP)			
	SEX	RACE	EYE	HAIR	HEIGHT or RANGE	WEIGHT or RANGE
	DL NUMBER/STATE		PFN	PRIMARY PHONE	PHONE #2	

<b>SUBJECT</b>	SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX) <input type="checkbox"/> NON-DISCLOSURE			
	DOB      AGE or AGE RANGE		ADDRESS (STREET, CITY, STATE, ZIP)			
	SEX	RACE	EYE	HAIR	HEIGHT or RANGE	WEIGHT or RANGE
	DL NUMBER/STATE		PFN	PRIMARY PHONE	PHONE #2	

<b>SUBJECT</b>	SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX) <input type="checkbox"/> NON-DISCLOSURE			
	DOB      AGE or AGE RANGE		ADDRESS (STREET, CITY, STATE, ZIP)			
	SEX	RACE	EYE	HAIR	HEIGHT or RANGE	WEIGHT or RANGE
	DL NUMBER/STATE		PFN	PRIMARY PHONE	PHONE #2	

REPORTING OFFICER	DATE	REVIEWED BY
<b>Quinn</b>	<b>05/27/2014</b>	<b>mark.ormsby Ormsby, Mark W 8/20/2014 14:55</b>

# HAYWARD POLICE DEPARTMENT

## CASE SUPPLEMENT REPORT

CASE#

2014-00038880

300 West Winton Avenue

Hayward, CA 94544

### NARRATIVE

#2014-03880 Supplemental

I am currently assigned as a Detective in the Hayward Police Department's Criminal Investigations Bureau. On 05-27-14 Sergeant Ormsby assigned me to attend the autopsy of James Greer which was to be performed at the Alameda County Coroners Bureau in Oakland, California.

Detective Purnell and I arrived at Coroners Bureau at approximately 0930 hours. Detective Purnell took digital photographs of the body prior to the technician preparing the body for autopsy. [REDACTED]

I noted the following visual observations prior to the technician preparing the body:

1. Open abrasion approximately 1 inch in diameter below the left anterior knee.
2. Oval shaped scab approximately one half inch in diameter left leg (medial)
3. Mid-line abdominal surgical scar
4. Small scab left mid-axillary approximately 6 inches below armpit
5. Laceration approximately quarter inch left occiput
6. Small scab right mid axillary approximately 8 inches below armpit.

[REDACTED] was the pathologist who performed the autopsy. He began at approximately 1112 hours. At completion, [REDACTED] told me the following:

No noted brain trauma, hyoid bone was normal. The deceased had an enlarged heart and signs of heart disease.

[REDACTED] said his initial impression is the deceased exerted violent energy with an unhealthy

REPORTING OFFICER	DATE	REVIEWED BY
Quinn 469	05/27/2014	mark.ormsby Ormsby, Mark W 8/20/2014 14:55

# HAYWARD POLICE DEPARTMENT

## CASE SUPPLEMENT REPORT

CASE#

2014-00038880

300 West Winton Avenue

Hayward, CA 94544

### NARRATIVE (continuation)

cardio-pulmonary system.

██████████ said he would defer final determination of death and will be awaiting the toxicology results.

\*\*\*End of narrative\*\*\* M.Quinn #269

REPORTING OFFICER	DATE	REVIEWED BY
Quinn 469	05/27/2014	mark.ormsby Ormsby, Mark W 8/20/2014 14:55

# HAYWARD POLICE DEPARTMENT

## CASE SUPPLEMENT REPORT

CASE# **2014-00038880**

300 West Winton Avenue  
Hayward, CA 94544

<b>EVENT</b>	REPORTED DATE/TIME <b>05/23/2014 22:41</b>	OCCURRED INCIDENT TYPE	
	OCCURRED FROM DATE/TIME	OCCURRED THRU DATE/TIME	LOCATION OF OCCURRENCE

<b>OFFENSES</b>	#	STATUTE/DESCRIPTION	COUNTS	ATTEMPT/COMMIT

<b>SUBJECT</b>	SUBJECT TYPE <b>Witness</b>		NAME (LAST, FIRST, MIDDLE SUFFIX) [REDACTED]				<input type="checkbox"/> NON-DISCLOSURE	
	DOB [REDACTED] [REDACTED]		ADDRESS (STREET, CITY, STATE, ZIP) [REDACTED]					
	SEX [REDACTED]	RACE [REDACTED]	EYE [REDACTED]	HAIR [REDACTED]	HEIGHT or RANGE [REDACTED]	WEIGHT or RANGE [REDACTED]		
	DL NUMBER/STATE [REDACTED]		PFN [REDACTED]	PRIMARY PHONE [REDACTED]		PHONE #2		

<b>SUBJECT</b>	SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX)					<input type="checkbox"/> NON-DISCLOSURE
	DOB		ADDRESS (STREET, CITY, STATE, ZIP)					
	SEX	RACE	EYE	HAIR	HEIGHT or RANGE	WEIGHT or RANGE		
	DL NUMBER/STATE		PFN	PRIMARY PHONE		PHONE #2		

<b>SUBJECT</b>	SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX)					<input type="checkbox"/> NON-DISCLOSURE
	DOB		ADDRESS (STREET, CITY, STATE, ZIP)					
	SEX	RACE	EYE	HAIR	HEIGHT or RANGE	WEIGHT or RANGE		
	DL NUMBER/STATE		PFN	PRIMARY PHONE		PHONE #2		

<b>SUBJECT</b>	SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX)					<input type="checkbox"/> NON-DISCLOSURE
	DOB		ADDRESS (STREET, CITY, STATE, ZIP)					
	SEX	RACE	EYE	HAIR	HEIGHT or RANGE	WEIGHT or RANGE		
	DL NUMBER/STATE		PFN	PRIMARY PHONE		PHONE #2		

REPORTING OFFICER <b>Riley</b>	DATE <b>05/23/2014</b>	REVIEWED BY <b>mark.ormsby Ormsby, Mark W 8/20/2014 14:56</b>
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# HAYWARD POLICE DEPARTMENT

## CASE SUPPLEMENT REPORT

CASE#

2014-00038880

300 West Winton Avenue

Hayward, CA 94544

### NARRATIVE

#### NARRATIVE:

I am currently assigned as a Detective in the Robbery/Property Crimes Unit.

On 05/24/14, I assisted in this investigation by interviewing a witness; [REDACTED].

About 0225 hours, Det Hoyer and I interviewed [REDACTED] in interview room #222. I spoke to [REDACTED] in English and Spanish. I used a Google map to establish where [REDACTED] was standing when he saw what occurred. I had [REDACTED] mark the different locations he was standing when he saw what occurred. Throughout the interview, [REDACTED] acted/motioned what he was describing.

In summary, [REDACTED] told me the following:

About 2220 hours, [REDACTED] was riding his bicycle home from work. As he was riding towards Mission Blvd on the K-mart parking lot, [REDACTED] saw a Hayward Police (HPD) vehicle pulling over a gray/silver Chevy truck. The truck entered the parking lot from Mission Blvd. [REDACTED] stopped a short distance away from the vehicles and watched.

The truck stopped and the driver; later identified as [REDACTED] [REDACTED] put his hands out of the vehicle as if to say, I don't have anything. The police vehicle stopped behind the truck and the officer (Lt Lutzinger) got out of his vehicle. This area was well lit and bright. The officer said something to Greer. However, [REDACTED] could not hear exactly what the officer said to Greer. [REDACTED] believed the officer asked Greer something about his hands. The officer walked up to the driver's window, grabbed the keys from Greer and tossed the keys onto the hood. The officer raised his flashlight and looked inside the truck. [REDACTED] believed the officer saw something inside because the officer backed up. [REDACTED] believed the officer "freaked out" because Greer moved his hands back inside the vehicle. [REDACTED] stated, "You never know what the guys can have". The officer then walked behind the truck. Greer stayed inside his truck.

A short time later, more police vehicles arrived. The first vehicle to arrive was a BART PD vehicle then other HPD vehicles arrived. One HPD vehicle had a uniformed officer and possibly one civilian (ride along). The officer walked up to the driver's door and Greer stepped out of the vehicle.

[REDACTED] described Greer as being my height (approx. 5'9"), big/fat wearing a white shirt, shorts, and red shoes. [REDACTED] believed Greer appeared Hispanic or Samoan. [REDACTED] thought Greer was Samoan because he was big and "acting tough". [REDACTED] described the officer as a White male, 30-40 years old, tall with blonde hair and smaller in size than Greer.

The officers escorted Greer to the passenger side of his truck. There were (4) officers there at that time. The officer that pulled Greer over began moving his finger up and down in front of Greer's face to check if he was drunk. [REDACTED] believed Greer was drunk because Greer lost his balance when he put his feet together. [REDACTED] believed the officers asked Greer if he had any firearms. Greer lifted his shirt then reached down and lifted his pant leg as if he was getting something. That's when the officers told Greer they were arresting him. The officers grabbed Greer by his wrists. Greer began pulling his hands away from the officer's grasp and began screaming,

REPORTING OFFICER	DATE	REVIEWED BY
Riley	05/23/2014	285 mark.ormsby Ormsby, Mark W 8/20/2014 14:56

# HAYWARD POLICE DEPARTMENT

## CASE SUPPLEMENT REPORT

CASE#

2014-00038880

300 West Winton Avenue

Hayward, CA 94544

### NARRATIVE (continuation)

"No! Don't touch me, don't touch me! What are you doing, what are you doing!" The officers began patting Greer down as if to check for firearms. Greer began to back away from the officers and fell down. [REDACTED] believed Greer fell down because the ground was uneven. Once Greer was on the ground, he began to move around attempting to get out of the officer's grasp. [REDACTED] heard the officer's yelling, "Put your hands behind you! Put your hands behind you!" [REDACTED] also heard Greer repeatedly yelling, "What are you doing? What are you doing?" [REDACTED] heard Greer yelling over the officer's commands. It appeared Greer was yelling to get the attention of anyone in the area. The officers attempted to roll Greer over to get his hands behind his back. [REDACTED] could not see what Greer or the officers were doing because the officers were standing around Greer.

One officer went to a police vehicle and took something black with yellow stripes out of the trunk and attempted to put it around Greer's feet to restrain them. Greer continued to fight. [REDACTED] saw one officer holding Greer's feet. It appeared the officers gained control of Greer because Greer stopped moving around.

A short time later, the firemen and paramedics arrived. [REDACTED] did not see what happened for the firemen and the paramedics to arrive. The paramedics put Greer on a gurney, placed him in the ambulance, and drove away.

In [REDACTED] opinion, the officers were doing their jobs. Greer was much bigger in size than the officers. The officers were attempting to place Greer in handcuffs and he was resisting.

Throughout this incident, [REDACTED] did not hear any gunshots or any strange sounds.

There was another male with a dog standing next to [REDACTED] when this incident occurred. However, [REDACTED] does not know where the male went once an officer began talking to [REDACTED] [REDACTED]

BART PD Detective G. Alcaraz provided me with videos of this incident from the BART PD Officer. I copied the videos onto a compact disc (CD) and booked it into evidence at HPD.

[REDACTED]

[REDACTED]

[REDACTED]

END OF REPORT

Detective S. Riley #285

REPORTING OFFICER	DATE	REVIEWED BY
Riley 285	05/23/2014	mark.ormsby Ormsby, Mark W 8/20/2014 14:56



# HAYWARD POLICE DEPARTMENT

## CASE SUPPLEMENT REPORT

CASE# **2014-00038880**

300 West Winton Avenue  
Hayward, CA 94544

<b>EVENT</b>	REPORTED DATE/TIME <b>05/23/2014 22:41</b>	OCCURRED INCIDENT TYPE	
	OCCURRED FROM DATE/TIME	OCCURRED THRU DATE/TIME	LOCATION OF OCCURRENCE

<b>OFFENSES</b>	#	STATUTE/DESCRIPTION	COUNTS	ATTEMPT/COMMIT

<b>SUBJECT</b>	SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX) <input type="checkbox"/> NON-DISCLOSURE			
	DOB      AGE or AGE RANGE		ADDRESS (STREET, CITY, STATE, ZIP)			
	SEX	RACE	EYE	HAIR	HEIGHT or RANGE	WEIGHT or RANGE
	DL NUMBER/STATE		PFN	PRIMARY PHONE		PHONE #2

<b>SUBJECT</b>	SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX) <input type="checkbox"/> NON-DISCLOSURE			
	DOB      AGE or AGE RANGE		ADDRESS (STREET, CITY, STATE, ZIP)			
	SEX	RACE	EYE	HAIR	HEIGHT or RANGE	WEIGHT or RANGE
	DL NUMBER/STATE		PFN	PRIMARY PHONE		PHONE #2

<b>SUBJECT</b>	SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX) <input type="checkbox"/> NON-DISCLOSURE			
	DOB      AGE or AGE RANGE		ADDRESS (STREET, CITY, STATE, ZIP)			
	SEX	RACE	EYE	HAIR	HEIGHT or RANGE	WEIGHT or RANGE
	DL NUMBER/STATE		PFN	PRIMARY PHONE		PHONE #2

<b>SUBJECT</b>	SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX) <input type="checkbox"/> NON-DISCLOSURE			
	DOB      AGE or AGE RANGE		ADDRESS (STREET, CITY, STATE, ZIP)			
	SEX	RACE	EYE	HAIR	HEIGHT or RANGE	WEIGHT or RANGE
	DL NUMBER/STATE		PFN	PRIMARY PHONE		PHONE #2

REPORTING OFFICER <b>Hoyer</b>	DATE <b>05/23/2014</b>	REVIEWED BY <b>Hoyer, Zachary</b>
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# HAYWARD POLICE DEPARTMENT

## CASE SUPPLEMENT REPORT

CASE#

**2014-00038880**

300 West Winton Avenue

Hayward, CA 94544

### VEHICLES as INVOLVED

CASE VEHICLE	VEHICLE ROLE			
	VEH YR	TYPEMAKE/MODEL		STYLE
	PLATE / STATE	VIN	TOP COLOR	BOTTOM COLOR
	ADDITIONAL DESCRIPTIVE INFORMATION			

CASE VEHICLE	VEHICLE ROLE			
	VEH YR	TYPEMAKE/MODEL		STYLE
	PLATE / STATE	VIN	TOP COLOR	BOTTOM COLOR
	ADDITIONAL DESCRIPTIVE INFORMATION			

### VEHICLES as PROPERTY

PROPERTY VEHICLE	PROPERTY CODE			VALUE	
	-16769 Property Code				
	VEH YR	TYPEMAKE/MODEL		STYLE	
	2001	Truck\Chevrolet\Silverado\Silverado			
	PLATE / STATE	VIN	TOP COLOR	BOTTOM COLOR	
6P48311/CA				Gray	Gray
ADDITIONAL DESCRIPTIVE INFORMATION					
VSU					

PROPERTY VEHICLE	PROPERTY CODE			VALUE	
	VEH YR	TYPEMAKE/MODEL		STYLE	
	PLATE / STATE	VIN	TOP COLOR	BOTTOM COLOR	
ADDITIONAL DESCRIPTIVE INFORMATION					

PROPERTY VEHICLE	PROPERTY CODE			VALUE	
	VEH YR	TYPEMAKE/MODEL		STYLE	
	PLATE / STATE	VIN	TOP COLOR	BOTTOM COLOR	
ADDITIONAL DESCRIPTIVE INFORMATION					

REPORTING OFFICER	DATE	REVIEWED BY
Hoyer 338	05/23/2014	Hoyer, Zachary

# HAYWARD POLICE DEPARTMENT

## CASE SUPPLEMENT REPORT

CASE#

2014-00038880

300 West Winton Avenue

Hayward, CA 94544

### NARRATIVE

#### NARRATIVE:

I am currently assigned to the Hayward Police Department's Homicide/ Major Assaults Unit as a Detective. On 05-23-2014 about 2241 hours, I was working midnight shift overtime as a Patrol Officer. I was assigned to the southern portion of the city in the "F" beat. I was recovering an unoccupied stolen vehicle, when I heard Lieutenant Lutzinger make a traffic stop. The initial radio traffic made me suspect the vehicle may attempt to flee, however I heard Lieutenant Lutzinger advise that the vehicle was pulling into the K Mart parking lot. An additional transmission sounded like a struggle. Before I could respond to the scene, I heard a different unit advise that responding units could slow down.

I returned to the area the car had been stolen from and attempted to locate witnesses. A few moments later, Sergeant Forkus used his radio to have HPD dispatch direct me to respond to the scene of the traffic stop. I responded from my location and contacted Sergeant Farro upon my arrival on scene. Sergeant Farro advised that the male subject Lieutenant Lutzinger had stopped had struggled with officers on scene and he was being treated by Paramedics Plus personnel. I contacted Paramedics Plus Personnel and they advised that they would be transporting the subject, later identified as James Greer, to the hospital, but his prognosis looked poor.

I met with Sergeant Forkus and confirmed that the scene had been secure and all of vehicles and evidence was left in place. I learned Inspector Lampkin was responding to the PD to take over as lead investigator. I responded to the station to assist Inspector Lampkin with this investigation.

I returned to the Police department and met with Detective Riley. Detective Riley was assigned to interview [REDACTED] [REDACTED] who spoke Spanish as his primary Language. [REDACTED] spoke some English, so I sat in on the interview. (Refer to Detective Riley's supplemental for interview details)

On 05-27-2014, I assisted Inspector Woods with the interviews of Officer Sean Spillner and Officer David Waters. (Refer to Inspector Woods supplemental report)

On 05-28-2014, I was assigned to contact K Mart and Stereo Base and attempt to locate any video footage. I contacted [REDACTED] [REDACTED] who is a manager for the K Mart store. [REDACTED] advised that the cameras

REPORTING OFFICER	DATE	REVIEWED BY
Hoyer	05/23/2014	Hoyer, Zachary

# HAYWARD POLICE DEPARTMENT

## CASE SUPPLEMENT REPORT

CASE#

2014-00038880

300 West Winton Avenue

Hayward, CA 94544

### NARRATIVE (continuation)

do not capture images at night. [REDACTED] said all the footage he has from that night is black.

I then contacted [REDACTED] [REDACTED] at Stereo Base car audio. He advised that his exterior cameras only cover his parking lot. I looked at the live footage and confirmed that it did not cover the K Mart parking lot area where the stop had been made. I looked in the area and did not locate any other places with video cameras that covered the parking lot.

On 05-30-2014, I authored a search warrant for Greer's vehicle and medical records. The search warrant was reviewed and authorized by the Honorable Judge Sarkisian of Alameda County. I provided the signed search warrant to Inspector Lampkin, who advised he would execute the warrant.

END OF NARRATIVE HZ4215 Hoyer #271

REPORTING OFFICER

Hoyer

338

DATE

05/23/2014

REVIEWED BY

Hoyer, Zachary

# HAYWARD POLICE DEPARTMENT

## CASE SUPPLEMENT REPORT

CASE# **2014-00038880**

300 West Winton Avenue  
Hayward, CA 94544

<b>EVENT</b>	REPORTED DATE/TIME <b>05/23/2014 22:57</b>	OCCURRED INCIDENT TYPE	
	OCCURRED FROM DATE/TIME	OCCURRED THRU DATE/TIME	LOCATION OF OCCURRENCE

<b>OFFENSES</b>	#	STATUTE/DESCRIPTION	COUNTS	ATTEMPT/COMMIT

<b>SUBJECT</b>	SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX) <input type="checkbox"/> NON-DISCLOSURE			
	DOB      AGE or AGE RANGE		ADDRESS (STREET, CITY, STATE, ZIP)			
	SEX	RACE	EYE	HAIR	HEIGHT or RANGE	WEIGHT or RANGE
	DL NUMBER/STATE		PFN	PRIMARY PHONE		PHONE #2

<b>SUBJECT</b>	SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX) <input type="checkbox"/> NON-DISCLOSURE			
	DOB      AGE or AGE RANGE		ADDRESS (STREET, CITY, STATE, ZIP)			
	SEX	RACE	EYE	HAIR	HEIGHT or RANGE	WEIGHT or RANGE
	DL NUMBER/STATE		PFN	PRIMARY PHONE		PHONE #2

<b>SUBJECT</b>	SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX) <input type="checkbox"/> NON-DISCLOSURE			
	DOB      AGE or AGE RANGE		ADDRESS (STREET, CITY, STATE, ZIP)			
	SEX	RACE	EYE	HAIR	HEIGHT or RANGE	WEIGHT or RANGE
	DL NUMBER/STATE		PFN	PRIMARY PHONE		PHONE #2

<b>SUBJECT</b>	SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX) <input type="checkbox"/> NON-DISCLOSURE			
	DOB      AGE or AGE RANGE		ADDRESS (STREET, CITY, STATE, ZIP)			
	SEX	RACE	EYE	HAIR	HEIGHT or RANGE	WEIGHT or RANGE
	DL NUMBER/STATE		PFN	PRIMARY PHONE		PHONE #2

REPORTING OFFICER	DATE	REVIEWED BY
<b>Farro</b>	<b>117      05/23/2014</b>	<b>john.racette Racette, John 1/11/2015 17:06</b>

# HAYWARD POLICE DEPARTMENT

## CASE SUPPLEMENT REPORT

CASE#

2014-00038880

300 West Winton Avenue

Hayward, CA 94544

### NARRATIVE

On 5-23-14 at 2257 hours, I was assigned as the midnight shift south end patrol supervisor when I responded to the parking lot of the K-Mart, 26231 Mission Blvd to assist on a traffic stop with a combative subject.

I arrived onscene a short time later and parked my patrol car about 50' away from the scene of the stop, which was located in the nort east corner of the parking lot. There were several patrol units already onscene when I arrived.

As I walked up the stop location, I could see several officers standing around the suspect, who was being placed into the WRAP device. They were located to the rear of the suspect vehicle.

Due to the amount of officers around him, I was unable to see if the suspect was still struggling or moving. I stood back while the wrap was placed onto the suspect.

HFD then arrived along with a Paramedics Plus ambulance unit, who began to treat the suspect. The suspect was then placed into the ambulance and transported to the hospital.

I responded to St Rose Hospital where I contacted Officer McAdams, who had went to the hospital with the ambulance. A short time after I had arrived at the hospital, the suspect was pronounced deceased by medical personnel.

End of Supplemental Report/Sgt. R. Farro #117

REPORTING OFFICER	DATE	REVIEWED BY
Farro 117	05/23/2014	john.racette Racette, John 1/11/2015 17:06

HAYWARD POLICE DEPARTMENT - HAYWARD, CA

## STATEMENT

<input type="checkbox"/>	Informant	Name (Last, First, MI)	Rank	Sex	D.O.B.
<input type="checkbox"/>	Suspect	Residence Address (Home, Street, Apt, City, State, Zip)	Phone		
<input type="checkbox"/>	Victim	Residence Address (Home, Street, Apt, City, State, Zip)	Phone		
<input checked="" type="checkbox"/>	Witness	Other Address <input type="checkbox"/> Business <input type="checkbox"/> Mailing <input type="checkbox"/> School	Phone		Other Phone
<input type="checkbox"/>	Parent				

SUSPECT: HMA, 6'0, HEAVY BUILD, WHITE TSHIRT, KHAKI SHORTS.

SUSPECT VEHICLE: BEIGE TRUCK, EXTENDED CAB, 1/2 TON PICK UP.

TO DAY 5/23/14, I WAS ON A RIDE ALONG WITH OFC. MICHAEL CLARK. DURING THE RIDE ALONG, OFC. CLARK RESPONDED TO A CALL. OFC. CLARK AND I ARRIVED IN THE PARKING LOT OF KMART, WHERE FROM THE PASSENGER SEAT OF OFC. CLARK'S PATROL VEHICLE I COULD SEE AN OFC., LATER IDENTIFIED AS LT. LUTZINGER, APPROACHED THE TRUCK WITH THE SUSPECT STILL INSIDE THE VEHICLE. LT. LUTZINGER APPROACHED THE VEHICLE WITH HIS FLASH LIGHT TALKING TO THE SUSPECT. OFC. CLARK AND OFC. LEWANDOWSKI WERE BEHIND LT. LUTZINGER AS THE SUSPECT EXITED THE VEHICLE. LT. LUTZINGER BROUGHT THE SUSPECT TO THE REAR OF THE SUSPECT'S VEHICLE AND BEGAN TO HAVE THE SUSPECT PERFORM SOBRIETY TESTS. FOR UNKNOWN REASONS THE OFFICERS WANTED TO GO HANDS ON WITH THE SUSPECT, AS THE OFFICERS TRIED TO CUFF THE SUSPECT, I COULD SEE THE SUSPECT PENSING HIS ARMS, BRINGING THEM FORWARD TO THE FRONT OF HIS BODY TO PREVENT THE OFFICERS FROM CUFFING. OFFICERS GRABBED THE SUSPECT'S ARMS TO GAIN CONTROL, BUT THE SUSPECT TURNED HIS BODY

Officer/Computer I.D.: JOAN ALI	Date/Time: 5/24/14 0000HRS	Victim Advised Per: 293 PC <input type="checkbox"/> Yes <input type="checkbox"/> No	Entry Clerk
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Routing: CLETS, DA, DB, GANG, IA, JUV ARR, JUV 390, PROP, VICE, YFSB, DETECTIVE, NARCOTICS

OTHER:

Name: \_\_\_\_\_

## HAYWARD POLICE DEPARTMENT - HAYWARD, CA

LEFT AND RIGHT ~~TO~~ VIOLENTLY TO ~~TO~~ FIGHT OFF THE OFFICERS. AT ~~AT~~ ONE POINT, ~~I COULD~~ SEE THE SUSPECT GRABBING ON ~~TO~~ THE ~~HITCH~~ OF HIS VEHICLE IN AN EFFORT TO RESIST ~~THE OFFICERS~~. I COULD NOT SEE WHICH OFFICER WAS INVOLVED SINCE EVERYTHING HAPPENED SO FAST. AS THE OFFICERS STRUGGLED WITH THE SUSPECT, THEY WENT TO THE GROUND. ALL I COULD SEE WERE OFFICERS STRUGGLING TO GAIN CONTROL OF THE SUSPECT'S ARMS. ~~AT~~ POINT ~~AT~~ AT ONE POINT DURING THE ~~STR~~ STRUGGLE, I COULD HEARD SOMEONE SAID "STOP RESISTING OR YOU WILL GET TASED." I HEARD THIS PHASE REPEATED AT LEAST TWO TIMES. THEN I SAW MORE OFFICERS ARRIVED ON SCENE. ~~THE~~ THE ARRIVING OFFICERS TRIED TO GAIN CONTROL THE SUSPECT'S ARMS BUT THE SUSPECT KEPT PULLING HIS ARM UNDERNEATH HIS BODY. EVENTUALLY OFFICERS WERE ABLE TO COFFED ONE ARM AND LINKED SEVERAL COFFS TOGETHER TO TRY AND COFF THE OTHER ARM. EVENTUALLY, THE OFFICERS WERE ABLE TO COFF BOTH HANDS. AT THAT POINT THERE WERE DO MANY ~~OF~~ OFFICERS SURROUNDING THE SUSPECT THAT I DIDN'T SEE WHAT ELSE HAPPEND.

IT SHOULD BE NOTED THAT WHILE ON THE GROUND THE SUSPECT GRABBED THE HITCH OF HIS TRUCK IN AN EFFORT TO RESIST THE OFFICERS

THIS IS A TRUE STATEMENT

Per Penal Code Section 293 I advised victim(s) that his/her name will become a matter of public record unless victim(s) requests confidentiality pursuant to Government Code Section 6254. Confidentiality requested: [ ] Yes [ ] No

Signature of informed party \_\_\_\_\_

Date/Time \_\_\_\_\_ / \_\_\_\_\_